

An Act to incorporate the Loyal Orange Association of Ontario West and the Loyal Orange Association of Ontario East.

WHEREAS William J. Parkhill, James Bennett, H. A. L. Preamble.
White, the Reverend Hugh Cooper, Thomas Keyes, N.
Clarke Wallace, John Niblock, Thomas R. Brownlee, William
Magness, F. H. Medcalf and William Adamson, members of the
Loyal Orange Association of Ontario West, have, by their
petition, prayed that the members of the said Association in
Ontario West may be incorporated by the name of The Loyal
Orange Association of Ontario West, and whereas John White,
David Marshall, William Johnston, the Reverend John C. Ash,
A. J. Van Ingen, John G. Moore, John B. McWilliams, William
Porter, David Ewing, William Anderson and William Henderson, members of the Loyal Orange Association of Ontario East,
have, by their petition, prayed that the members of the said
Association in Ontario East may be incorporated by the name
of The Loyal Orange Association of Ontario East; and
whereas it is expedient to grant the prayer of the said

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

20 as follows :-

- 1. The said William J. Parkhill, James Bennett, Thomas Incorportion Keyes, James H. Bessey, F. H. Medcalf, and William Adamson, of L. O. A. of members of the Loyal Orange Association of Ontario West, shall be and are hereby incorporated by the name of The 25 Loyal Orange Association of Ontario West.
- 2. The said John White, David Marshall, A. J. Van Ingen, Incorporation John G. Moore, William Anderson and William Henderson, of L. O. A. of members of the Loyal Orange Association of Ontario East, shall be and are hereby incorporated by the name of The 30 Loyal Orange Association of Ortario East.
- 3. The said Grand Orange Lodges shall each by its cor-Corporate porate name be capable of holding and acquiring property real powers as to or personal, and the same to sell, convey, control, leave, or otherwise manage or dispose of at pleasure: Provided that the Proviso.

 35 real estate to be held by each one of the said Grand Lodges shall at no time exceed in value the annual sum of ten thousand dollars.
 - 4. Each of the said Grand Orange Lodges shall have power Power as to to appoint any of its present officers, or such other members By-laws, &c.

or officers of the Association for the management of its funds and property as it may deem expedient, to prescribe their duties, and to require such security as it may from time to time deem proper from said officer or officers, or any of them, for the faithful performance of their respective duties, and may remove them or any of them at pleasure, and may make and ordain, and put in execution such by-laws and rules as they may deem necessary for the purpose aforesaid, not inconsistent with the laws of this Province.

Subordinate Lodges may be incorporated.

5. Each Subordinate Lodge now instituted, or which may 10 hereafter become instituted within the Province of Ontario, may in the manner hereinafter specified be and become a body corporate by the name and number and place of location by which it is or may be designated in the Order; and each Subordinate Lodge upon so becoming incorporate shall have all 15 the powers and privileges made incident to a corporation by Act of the Legislative Assembly aforesaid, for the sole purpose of managing their funds and property: Provided that the real estate to be held by such incorporated Subordinate Lodge shall at no time exceed in value the sum of five thousand dollars 20 annually.

Proviso.

- How to become incorporated.
- 6. Whenever the members of any Subordinate Lodge desire to become incorporated under this Act they may, by a twothird vote of its members present at any regular meeting, after at least one month's notice shall have been given of the in-25 tention to move a resolution setting forth the necessity or advisability of becoming incorporated, decide to become so incorporated; and upon a copy of such resolution and the names of at least ten members of such Lodge, attested by the seal and the signature of the secretary and presiding officer of such Sub- 30 ordinate Lodge, together with a certificate from the secretary of the Grand Orange Lodge having jurisdiction in that part of the Province in which such Subordinate Lodge is held, that such Lodge is in full standing in the Order, being filed in the office of the Secretary of the Province, the members of such 35 Subordinate Lodge aforesaid and their associates and successors in membership in said Lodge shall be and become, from the time of the publication in the Official Gazette of the notice of the filing of such certificate as aforesaid with the Provincial Secretary aforesaid, a body corporate by the style or name of 40 "The Loyal Orange, County, District, or Private (as the case of the County of" (here insert may be) Lodge. Number the number of the Lodge and the name of the County in which the Lodge is held).

Power as to land, &c.

7. It shall and may be lawful for the Treasurer of each Sub- 45 ordinate Lodge so incorporated, and he is hereby empowered from time to time, by and with the consent of such Subordinate Lodge, to be attested in such manner as may be directed by their by-laws, to lay out and invest all such sum or sums of money as shall from time to time be collected and not required 50 for the immediate exigencies of such Subordinate Lodge, in real estate, or on mortgage, or in public or other stock, or funds, or in such other manner as such Subordinate Lodge may deem best; and from time to time, with the like consent, to alter, sell and transfer such securities, real estate, or funds respec- 55

tively, and otherwise re-invest and dispose of the same; and the certificate, bill of sale, deed or other instrument of transfer, sale, or discharge of such estate, or funds, or security, shall be made under the seal of such Subordinate Lodge, and signed 5 by the Treasurer and presiding officer of such Subordinate Lodge; and all such investments shall be made in the separate name and capacity of such Subordinate Lodge: Provided al- Proviso. ways, that no such real estate shall be sold or otherwise dis-

10 Grand Orange Lodge in shall be situate; such cons regular meeting of said Gr.

posed of without the consent for had and obtained of the risdiction such real estate by resolution passed at a

8. It shall and may be lawful for each Subordinate Lodge Treasurer to so incorporated, to receive from the Treasurer thereof from time give security.

15 to time, in its corporate name, sufficient securities by bond, with one or more security or securities, or otherwise, as such Subordinate Lodge may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for, pay and invest from time to time, as directed by 20 such Subordinate Lodge, all such sum or sums of money, funds or other property as may come into his hands or under his control belonging to the said Subordinate Lodge, and shall

render and deliver up to the said Subordinate Lodge, or his successor in office, or any other person as authorized by this 25 Act to receive them, all such moneys, funds, deeds, bonds, or mortgages, or stock, or any other funds in his possession or under his control belonging to said Subordinate Lodge at the expiration of his term of office, or when ordered to do so by

the said Subordinate Lodge.

9. No member of either of the aforesaid Grand Orange Interest of Lodges, or of any Subordinate Lodge so incorporated, shall individual member. have any power to assign or transfer to any person or persons

whomspever, any interest which he may have to or in the funds or property of the said Grand Orange Lodges, or of any Subor-35 dinate Lodge, but the same shall at all times be and remain under the control of the said Grand Orange Lodge, or such Subordinate Lodge respectively; and no property or stock of any kind belonging to an Incorporated Grand Orange Lodge, or Subordinate Lodge, shall be subject to the payment of the

40 private debts of any of its members, nor be liable to be taken in execution by any judgment creditors against any individual member or members of either Grand Lodge or Subordinate Lodge.

10. Should any Subordinate Lodge cease to exist from any Provisions in 45 cause whatever, the property, real and personal, held or belong- ase subordining to such Subordinate Lodge, shall at once vest in the Grand cease to exist. Lodge to which such Subordinate Lodge belonged, but charged with the payment of the debts of such Subordinate Lodge, to the full extent of such property,

11. All the property, real and personal, held by or in trust Property to be for the Grand Lodge of Ontario West, and for the Grand Lodge corporation. of Ontario East, shall be and become the property of the said the Grand Lodge of Ontario West or East, as the case may be, subject, however, to the payment of any debt, claim or lien,

due thereon or incurred in respect thereto by the Grand Lodge of Ontario West or East aforesaid, as the case may be, or by any person who may have been or who may be seized or possessed of the said property real or personal, for the benefit either of the Grand Orange Lodges aforesaid; and upon the incorporation of any Subordinate Lodge under the provisions of this Act, the property real or personal, held by or in trust for any such Subordinate Lodge, shall be and become the property of such Incorporated Subordinate Lodge, subject, however, to the payment of any debt, claim or lien, due thereon or 10 incurred in respect thereto, by the said Subordinate Lodge, or by any person who may have been or who may be seized or possessed of the said property real or personal, for the benefit of such Subordinate Lodge.

Lodges may amalgamate.

12. It shall and may be lawful for the Grand Lodges of the 15 Association hereby incorporated by the names aforesaid, at any time hereafter, by joint resolution of the said Grand Lodges passed at any meeting, only held according to their respective by-laws and rules, to amalgamate into one corporation under the name and title of The Provincial Grand Orange Lodge of 20 Ontario, in which event all of the properties, real or personal, held by the said Grand Orange Lodge of Ontario West, and the said Grand Orange Lodge of Ontario East, shall be vested in the said The Provincial Grand Orange Lodge of Ontario, for the same uses and trusts as theretofore held by the said incor-25 porations respectively.

Power to mortgage lands.

13. Whenever a debt has been or shall be contracted by any such Lodge incorporated under this Act, for the building, repairing, extending or improving of any building on land held by any such Lodge, under the provisions of this Act, or for the 30 purchase of the land on which the same has been or is intended to be erected, any such incorporated Lodge may from time to time secure the debt, or any part thereof, by a mortgage upon the land and buildings, or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and 35 interest by a like mortgage, upon such terms as may be agreed upon:

Power to grant leases.

1. Any such Lodge so incorporated may from time to time lease, for any term not exceeding years, any land held by them under the provisions of this Act, at such rates and 40 upon such terms as they may deem reasonable.

Form of conveyances. 14. Any corporation created under this Act may take a conveyances. veyance in the form to this Act annexed.

This Indenture made (in duplicate) the day of Name of cor one thousand eight hundred and 45 In Pursuance of the Act respecting Short Forms of Conveyances: between and The Loyal Orange Lodge, number of the County of of the third part Witnesseth, that in consideration of 50 dollars of lawful money of Canada now paid by the said part part to the said part of the first part (the receipt whereof is hereby by acknowledged) the said part of the first part Do Grant unto the

said part of the part, heirs and assigns for ever all and singular th certain parcel or tract of land and premises, situate, lying and being

To have and to hold unto the said part heirs and assigns to and for their sole and only use for ever. Subject, nevertheless, to the reservations, limitations, provisoes and conditions expressed in the original Grant thereof from the Crown, and also subject to all the provisions and conditions and enactments contained in an Act of the Legislature of the Province of Ontario, passed in the year of Her Majesty's reign and intituled an Act to Incorporate the Loyal Orange Association of Ontario West and the Loyal Orange Association of Ontario East. The said part of the first part Covenant with the said part of the part That ha the right part of the part That ha to convey the said lands to the said part of the part notwithstanding any act of the said part of the first part shall have quiet And that the said part of the possession of the said lands free from all incumbrances. And the said part of the first part Covenant with the said of the part that will execute such part further assurances of the said land as may be requisite.

(TITLE DEEDS.)

And the said part of the first part Covenant with the said part of the part that ha done no act to incumber the said lands.

And the said part of the first part Release to the said part of the part All Claims upon the said lands.

(Dower.)

In Witness Whereof, the said parties hereto have hereunto set their Hands and Seals.

Signed, Sealed and Delivered,
In the Presence of

Received on the day of the date of this Indenture from the said part of the part the sum of dollars mentioned.

Witness:

County of I, of the of in the County of make oath and say:

1. That I was personally present and did see the within Instrument and Duplicate duly signed, sealed and executed by the parties thereto.

3. That I

of of

Mr. MERRICK.

Sworn before me at the

day of in the year of our Lord 187

2. That the said Instrument and Duplicate were executed at

know the said part 4. That I am a subscribing witness to the said Instrument and Duplicate.

in the County this

A Commissioner for taking Affidavits in B. R., &c.

Association of

1879.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorise the Trustees of St. Andrew's Church, Williamstown, to sell certain land.

WHEREAS John McArthur, Daniel Campbell, Alexander J. Preamble. Grant, John W. Ferguson and Duncan B. McLennan, Trustees of St. Andrew's Church, Williamstown, within the bounds of the Presbytery of Glengarry, in connection with the 5 Presbyterian Church in Canada, have, by their Petition to the Legislature, prayed that the said Trustees be empowered to sell and dispose of the west half of Lot number eleven in the first eoneession or range, south side of the River aux Rasen, in the Township of Charlottenburgh, as described in the patent thereof 10 from the Crown, and to apply the proceeds of such sale for the purpose of improving other property which is attached to the church, or for purposes connected with the interests of the congregation adhering to said church; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

1. The said John McArthur, Daniel Campbell, Alexander Powerto Trus-J. Grant, John W. Ferguson and Duncan B. McLennan, all of tees to sell 20 the Township of Charlottenburgh, Trustees of St. Andrew's Church, Williamstown, in the County of Glengarry, in connection with the Presbyterian Church in Canada, and the survivor or survivors of them or their successors in office, shall have full power and authority to contract to sell and to sell the said 25 Lot in one or more parcels from time to time at private sale or by public auction, for eash or on credit, secured in such manner as to them seems fit, with power to buy in at any auction or auctions and to resell or reseind or vary any sale or contract for sale that may have been entered into, and resell without being re-30 sponsible for any loss or deficiency thereon, and on any sale or sales, conveyances execute and deliver, and the consideration money demand and receive, and to release all mortages or other security that may be given for the purchase moneyor of any part thereof.

2. The vendors shall apply the proceeds of such sale to the Application improvement of the glebe or property attached to the church, of proceeds improvement of the glebe or property attached to the church, sale. or in such other manner as they may deem best for the interest of the congregation adhering to said church; Provided always Proviso. that the purchaser or purchasers shall not be liable to see to

40 the application of the moneys arising from the sale of the said lot or any part thereof.

3. Nothing in this Act contained shall be construed to affect Not to affect any rights of any other person or persons, in respect of the said rights of others. lands.

BILL

An Act to authorize the Trustees of St. Andrew's Church, Williamstown, to sell certain land.

First Reading,

1879.

(PRIVATE BILL.)

MR. GRANT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Billing's Bridge and to legalize the conveyance thereof to the Ottawa and Gloucester Road Company.

HEREAS the Corporation of the County of Carleton Preamble. have entered into an agreement with the Ottawa and Gloucester Road Company to convey, and by the instrument marked "A," appended to and forming part of this Act, did convey to the Ottawa and Gloucester Road Company, that certain bridge from an island within the Township of Nepean and then across the main stream of the Rideau River to the shore of the Township of Gloucester, and commonly known as Billing's Bridge; and the said the Corporation of the County of Carleton and the said the Ottawa and Gloucester Road Company have presented their joint petition, praying that an Act may be passed to confirm and legalize the said conveyance and every matter and thing therein contained; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said deed or instrument marked "A," appended to Deed confirmthis Act, is hereby declared to be and to form, and shall be and ed and meaning declared. form part of this Act, and the same deed or instrument is hereby legalized and made valid and effectual for the intents and purposes for which the same was executed, according to the purport, intent and meaning thereof, and for greater certainty, but not so as to restrict anything in the said deed or 25 instrument contained, it is hereby enacted and declared, that from and after the passing of this Act it shall be the duty of the said the Ottawa and Gloucester Road Company, at all times, to keep and maintain in good and proper repair the said bridge in said deed or instrument mentioned; and the 30 said the Ottawa and Gloucester Road Company shall have exclusive jurisdiction over the said bridge; and the said the Corporation of the County of Carleton shall be relieved and discharged from any and every duty or liability to put, keep, or maintain the said bridge in repair, and from every other 35 liability in respect thereof.

This Indenture, made the twenty-first day of September, in the year of our Lord one thousand eight hundred and seventyeight, Between The Corporation of the County of Carleton, hereinafter called "The Corporation" of the first part, and The Ottawa and Gloucester Road Company, hereinafter called

"The Company" of the second part:

Whereas, by an agreement, bearing date on or about the fourth day of February, in the year of our Lord one thousand eight hundred and seventy-eight, and expressed to be made between the said Corporation of the first part and the said Company of the second part, after reciting that the Company, under the powers and authorities enabling them, have constructed a macadamized or gravelled road, having a commencement at the City of Ottawa and extending through a portion of the Township of Nepean, and thence several miles into the Township of Gloucester; and that a certain bridge from an island within the Township of Nepean, and thence across the main stream of the Rideau River to the shore of the Township of Gloucester, and commonly known as Billing's Bridge, intervenes and forms part of the line of the said road, and has been deemed part of the said road, and that the said bridge had fallen down and become broken, ruinous, and out of repair, as well by ordinary decay as by reasons of the waters of the said Rideau River, and that the rights and obligations of the respective parties thereto were doubtful, as well respecting their respective duty to rebuild and reinstate the said bridge in repair as to keep the same in repair, and further reciting as is therein recited:

It is witnessed that the said parties hereto did covenant the one with the other of them forthwith to enter into a contract to rebuild, reinstate, and put in proper and complete repair the said Billing's Bridge, in manner and upon the terms and conditions therein set forth; and upon the complete reinstatement and rebuilding of said bridge, the Corporation covenanted with the Company to grant and convey absolutely, so far as the Corporation lawfully could and might, the said bridge to the Company, with all the rights, privileges and appurtenances thereunto belonging, subject to all the duties and obligations which the law might give or impose in reference thereto, which said duties and obligations the Company covenanted with the Corporation to assure and absolutely to indemnify and save harmless the Corporation therefrom, as by reference to the said agreement will, amongst other things, more fully

and at large appear.

And whereas the said bridge, in pursuance of the said agreement, has been completely reinstated and rebuilt, and the said Company has applied to the said Corporation for a grant and conveyance of the said bridge pursuant to the terms of the said

agreement;

Now, therefore, this Indenture witnesseth that, in consideration of the premises in pursuance of the said agreement and for the purpose of carrying the same into effect, the said Corporation, so far as the said Corporation lawfully can and may, and under the authority of by-law number two hundred and forty of the said Corporation, passed on or about the first day of February, in the year of our Lord one thousand eight hundred and seventy-eight, doth grant and convey unto the said The Ottawa and Gloucester Road Company the said bridge, with all the rights, privileges and appurtenances thereunto belong-

ing, but subject to all the duties and obligations which the law

may give or impose in reference thereto;

To hold the said bridge, with all the rights, privileges and appurtenances thereunto belonging, unto and to the use of the said Company absolutely, but subject to all the duties and obligations which the law may give or impose in reference thereto.

The said Ottawa and Gloucester Road Company covenant with the said the Corporation of the County of Carleton to keep the said bridge at all times in good and proper repair, and to indemnify and save harmless the said Corporation of the County of Carleton of, from and against all actions at law, suits in Chancery, damages and costs, arising or incurred, or hereafter to arise or be incurred, by reason of default on the part of said Company to keep the said bridge in good and proper repair: Provided always that the Corporation do procure an Act of the Legislature to be passed confirming this deed.

In witness whereof the said Corporation of the County of Carleton and the said The Ottawa and Gloucester Road Company have hereunto affixed their corporate seals.

"In duplicate."

Witness:

Thos. Clark, Warden. $\{$ Corporate $\}$ Chas. Macnab, $\{$ County Clerk. $\}$

CHAS. T. BATE,

President Ottawa and Gloucester Road Company.

A. MANN,

Secretary Ottawa and Gloucester Road Company.

TAO. O.

BILL.

An Act respecting Billing's Bridge, and to legalize the conveyance thereof to the Ottawa and Gloucester Road Company.

1st Reading, 1

1879.

(PRIVATE BILL.)

MR. MONK,

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act respecting Billing's Bridge and to legalize the conveyance thereof to the Ottawa and Gloucester Road Company.

Where As the Corporation of the County of Carleton Preamble. have entered into an agreement with the Ottawa and Gloucester Road Company to convey, and by the instrument set forth in Schedule "A," appended to and forming part of this Act, did convey to the Ottawa and Gloucester Road Company, that certain bridge from an island within the Township of Nepean and then across the main stream of the Rideau River to the shore of the Township of Gloucester, and commonly known as Billing's Bridge; and the said the Corporation of the County of Carleton and the said the Ottawa and Gloucester Road Company have presented their joint petition, praying that an Act may be passed to confirm and legalize the said conveyance and every matter and thing therein contained; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

No. 3.]

1. The said deed or instrument set forth in Schedule "A," to Deed confirmthis Act is hereby legalized and made valid and effectual for the ed and meaning intents and purposes for which the same was executed, according to the purport, intent and meaning thereof, and for greater certainty, but not so as to restrict anything in the said deed or instrument contained, it is hereby enacted and declared, that from and after the passing of this Act it shall be the duty of the said the Ottawa and Gloucester Road Company, at all times, to keep and maintain in good and proper repair the said bridge in said deed or instrument mentioned.

SCHEDULE "A."

This Indenture, made the twenty-first day of September, in the year of our Lord one thousand eight hundred and seventy-30 eight, Between The Corporation of the County of Carleton, hereinafter called "The Corporation" of the first part, and The Ottawa and Gloucester Road Company, hereinafter called "The Company" of the second part:

Whereas, by an agreement, bearing date on or about the fourth day of February, in the year of our Lord one thousand eight hundred and seventy-eight, and expressed to be made between the said Corporation of the first part and the said

Company of the second part, after reciting that the Company, under the powers and authorities enabling them, have constructed a macadamized or gravelled road, having a commencement at the City of Ottawa and extending through a portion of the Township of Nepean, and thence several miles into the Township of Gloucester; and that a certain bridge from an island within the Township of Nepean, and thence across the main stream of the Rideau River to the shore of the Township of Gloucester, and commonly known as Billing's Bridge, intervenes and forms part of the line of the said road, and has been deemed part of the said road, and that the said bridge had fallen down and become broken, ruinous, and out of repair, as well by ordinary decay as by reasons of the waters of the said Rideau River, and that the rights and obligations of the respective parties thereto were doubtful, as well respecting their respective duty to rebuild and reinstate the said bridge in repair as to keep the same in repair, and further reciting as is

It is witnessed that the said parties hereto did covenant the one with the other of them forthwith to enter into a contract to rebuild, reinstate, and put in proper and complete repair the said Billing's Bridge, in manner and upon the terms and conditions therein set forth; and upon the complete reinstatement and rebuilding of said bridge, the Corporation covenanted with the Company to grant and convey absolutely, so far as the Corporation lawfully could and might, the said bridge to the Company, with all the rights, privileges and appurtenances there unto belonging, subject to all the duties and obligations which the law might give or impose in reference thereto, which said duties and obligations the Company covenanted with the Corporation to assure and absolutely to indemnify and save harmless the Corporation thereform, as by reference to the said agreement will, amongst other things, more fully and at large appear.

And whereas the said bridge, in pursuance of the said agreement, has been completely reinstated and rebuilt, and the said Company has applied to the said Corporation for a grant and conveyance of the said bridge pursuant to the terms of the said

agreement;

Now, therefore, this Indenture witnesseth that, in consideration of the premises in pursuance of the said agreement and for the purpose of carrying the same into effect, the said Corporation, so far as the said Corporation lawfully can and may, and under the authority of by-law number two hundred and forty of the said Corporation, passed on or about the first day of February, in the year of our Lord one thousand eight hundred and seventy-eight, doth grant and convey unto the said The Ottawa and Gloucester Road Company the said bridge, with all the rights, privileges and appurtenances thereunto belonging, but subject to all the duties and obligations which the law may give or impose in reference thereto;

To hold the said bridge, with all the rights, privileges and appurtenances thereunto belonging, unto and to the use of the said Company absolutely, but subject to all the duties and obligations which the law may give or impose in reference

thereto.

The said Ottawa and Gloucester Road Company covenant

with the said the Corporation of the County of Carleton to keep the said bridge at all times in good and proper repair, and to indemnify and save harmless the said Corporation of the County of Carleton of, from and against all actions at law, suits in Chancery, damages and costs, arising or incurred, or hereafter to arise or be incurred, by reason of default on the part of said Company to keep the said bridge in good and proper repair: Provided always that the Corporation do procure an Act of the Legislature to be passed confirming this deed.

In witness whereof the said Corporation of the County of Carleton and the said The Ottawa and Gloucester Road Company have hereunto affixed their corporate seals.

"In duplicate."

Witness:

Thos. Clark, Warden. (Corporate Chas. Macnab, CountyClerk.

CHAS. T. BATE,

President Ottawa and Gloucester Road Company.

Secretary Ottawa and Gloucester Road Company.

Secretary Ottawa and Gloucester Road Company.

מחדום

An Act respecting Billing's Bridge, and to legalize the conveyance thereof to the Ottawa and Gloucester Road Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

MR. MONK.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to enable the County of Carleton to sell certain land in the City of Ottawa.

HEREAS by indenture bearing date the twenty-sixth day Preamble. of September, in the year of Lord one thousand eight hundred and forty four, one John LeBreton, therein described as of the Township of Nepean, in the County of Carleton, in the 5 District of Dalhousie (since deceased), for the consideration of five shillings to him paid by the Municipal Council of the District of Dalhousie, granted, sold and conveyed unto the said Municipal Council of the District of Dalhousie, all and singular that certain parcel or tract of land and premises situate, ly-10 ing and being in the City of Ottawa, and in said Indenture described as being in the Township of Nepean, in the County of Carleton, in the District of Dalhousie, in the Province of Canada, being composed of lot number five in Block C in lot number forty in the first concession of the said township, com-15 mencing at the north-east angle of said lot upon Duke and Queen Streets; then south twenty-four degrees, westtwohundred and twenty eight links on Queen Street; then north thirty-four degrees, east one hundred and seventy-two links to Duke Street; then south fifty-six degrees, east one hundred and forty-eight 20 links on Duke Street, to the place of beginning, for the purpose of erecting thereon a school-house, for the use of the District of Dalhousie: And whereasafter such deed of conveyance the municipal council of the said district entered into possession of the said parcel of land and erected and built thereon a school-25 house, which was used for many years and was known firstasthe Model Schooland subsequently as the Duke Street School: And whereas for a long period subsequently the said land and building have been vacant and disused, and a question having been raised as to the title to the said premises, an action of ejectment 30 was brought therefor in the Court of Common Pleas for Ontario, in which the Corporation of the County of Carleton were Plaintiffs, and the Public School Board of the City of Ottawa were Defendants (which is reported in 25 Upper Canada Common Pleas Reports, page 137) and the same resulted in a ver-35 diet and judgment in the Plaintiff's favour and the said Corporation have remained in peaceable possession ever since; And whereas under the existing law the Corporation of the County of Carleton can make no use of said land and premises for school purposes, and they have alleged in their petition that 40 it is desirable that the same should be sold, and the proceeds of such sale applied by them toward educational purposes in the County of Carleton; and it appears that they have no power to sell and dispose of said land and premises, and that no public or

private benefit is derived from the same, at the present time,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

Power to sell certain land.

1. It shall be lawful for the Corporation of the County of 10 Carleton, by any deed or deeds, to be duly executed under their corporate seal, to sell and convey the said parcel of land and premises in the recitals hereto set forth to any person or persons whomsoever absolutely in fee simple either by public auction or by private sale, and either for cash paid down or on 15 time, and on such terms, as may seem advisable, so that the proceeds of such sale shall be by the said Corporation of the County of Carleton devoted to educational purposes within the said county.

1st Reading,

1879.

(PRIVATE BILL.)

Mr. Monk

BILI

An Act to enable the County of Carleton to sell certain land in the City of Ottawa.

4th Session, 3rd Parliament, 42 Vic., 1879

TORONTO: Printed by Hunter, Rose & Co. An Act to consolidate the debt of the County of Middlesex.

HEREAS the Corporation of the County of Middlesex Preamble. have by petition set forth that they are indebted to several municipalities in the said county, in the sum of sixty-five thousand four hundred and fifteen dollars, and that they owe 5 by outstanding debentures the sum of four hundred and fortyfour thousand four hundred and fifty dollars, which sums together represent the total indebtedness of the said county, being five hundred and nine thousand eight hundred and sixtyfive dollars; and they desire to discharge the said indebted-10 ness by the issue of new debentures, in such sums and payable at such periods and places as they may deem advisable; and whereas it is expedient that the prayer of the said petition should be granted;

Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The Corporation of the County of Middlesex may raise, Power to by way of loan upon the credit of the debentures hereinafter borrow. mentioned, from any person or persons, body or bodies cor-20 porate, in this Province or in Great Britain or elsewhere, a sum of money not exceeding five hundred and nine thousand eight hundred and sixty-five dollars, exclusive of interest.

2. The said corporation, from time to time, in such manner Issue of debenas the council thereof shall by by-law direct, may cause to be tures author-25 issued debentures of the said county, under the corporate seal, ized. signed by the warden and countersigned by the treasurer thereof, in such sums not exceeding in the whole five hundred and nine thousand eight hundred and sixty-five dollars, exclusive of interest, and payable at such periods as the 30 council thereof shall direct, and the principal sum or sums secured by such debentures, and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, as the said council shall direct or deem expedient.

3. The proceeds of the sale of the said debentures, which may Outstanding from time to time, as decided by the council of the said cor- debentures to be paid. poration, be issued under this Act, shall be applied by the said corporation in payment of the now outstanding debentures thereof and in payment of the said indebtedness to the said 40 municipalities, and for no other purpose whatever, and the treasurer of the said county, on receiving instructions so to do

from the said council, may call in such outstanding debentures and discharge the same with the funds raised under this Act, or may substitute therefor debentures issued under this Act, as may be agreed between the holders of such outstanding debentures and the said corporation, and in like manner the said corporation may pay off or arrange with the said municipalities or any of them.

Special rates to be levied.

4. For the payment, satisfaction and discharge of the debentures to be issued under this Act, the said council, by any bylaw to be passed authorizing the issuing of debentures as afore- 10 said, shall impose a special rate per annum, to be called the Consolidated Debenture Rate (over and above and in addition to all other rates to be levied in each year) sufficient to meet the said debentures and the interest thereon as they respectively become payable. 15

Investment of by special

5. The treasurer of the said county shall, from time to time, moneys raised invest all moneys raised by special rate for said purpose, either in debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or of this Province, or in such other securities as the Lieutenant Governor shall by Order- 20 in-Council direct, and shall apply all dividends or interest on such moneys so raised to the extinction of the debentures to be issued under this Act.

Power to repeal by-laws.

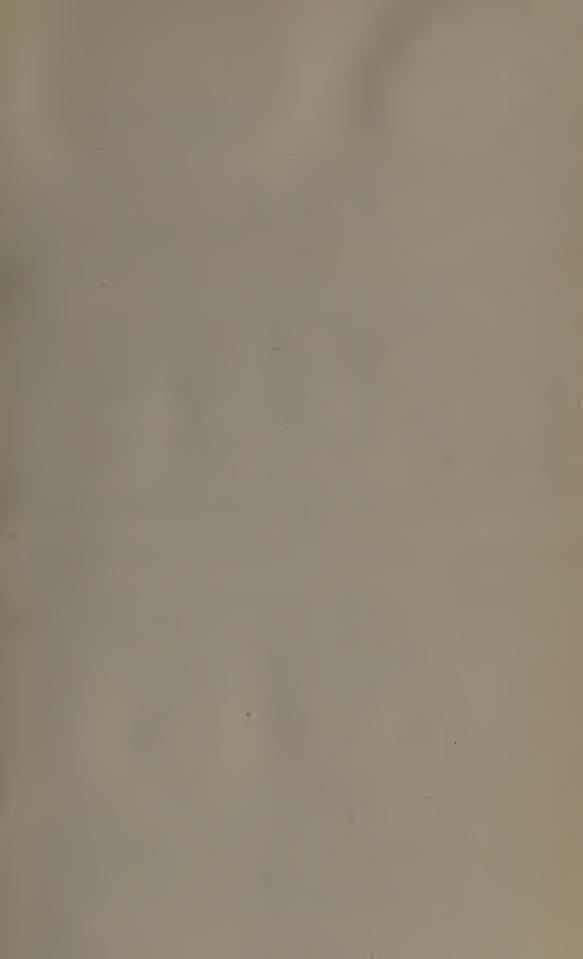
6. The council, after having called in and paid such now outstanding debentures, may repeal all by-laws concerning the 25 same.

Repeal of certain by-laws prohibited.

7. Any by-law passed under this Act, authorizing the issue of the said new debentures or any part thereof, shall not be repealed until the debt created thereby and the interest thereon shall be paid and satisfied.

By-laws valid of electors.

8. It shall not be deemed necessary to the validity of said without assent debentures to obtain the consent of the electors of the said county to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by sections three hundred and thirty, three hundred and thirty-one, and 35 following sections of chapter one hundred and seventy-four of the Revised Statutes of Ontario.



4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act to consolidate the debt of the County of Middlesex.

1st Reading,

1879.

PRIVATE BILL.

MR. TOOLEY.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to consolidate the debt of the County of Middlesex.

W HEREAS the Corporation of the County of Middlesex Preamble. have by petition set forth that they are indebted to several municipalities in the said county, in the sum of sixtyfive thousand four hundred and fifteen dollars, and that they owe 5 by outstanding debentures the sum of four hundred and fortyfour thousand four hundred and fifty dollars, which sums together represent the total indebtedness of the said county, being five hundred and nine thousand eight hundred and sixtyfive dollars; and they desire to discharge the said indebted-10 ness by the issue of new debentures; and whereas it is expedient that the prayer of the said petition should be granted;
Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The Corporation of the County of Middlesex may raise, Power to by way of loan upon the credit of the debentures hereinafter borrow. mentioned, from any person or persons, body or bodies corporate, in this Province or in Great Britain or elsewhere, a sum of money not exceeding five hundred and nine thousand 20 eight hundred and sixty-five dollars, exclusive of interest.

2. The said corporation, from time to time, in such manner Issue of debenas the council thereof shall by by-law direct, may cause to be tures authorized. issued debentures of the said county, under the corporate seal, signed by the warden and countersigned by the treasurer 25 thereof, in such sums not exceeding in the whole five hundred and nine thousand eight hundred and sixty-five dollars, exclusive of interest, and payable at such periods as the council thereof shall direct but not exceeding twenty years from the respective dates of the issue thereof, and the principal sum 30 or sums secured by such debentures, and the interest accruing thereonmay be made payable either in this Province or in Great Britain or elsewhere, as the said council shall direct or deem expedient.

3. The proceeds of the sale of the said debentures, which may Outstanding 35 from time to time, as decided by the council of the said cor-debentures possition he issued under this Act, shall be applied by the said to be paid. poration, be issued under this Act, shall be applied by the said corporation in payment of the now outstanding debentures thereof and in payment of the said indebtedness to the said municipalities, and for no other purpose whatever, and the 40 treasurer of the said county, on receiving instructions so to do from the said council, may, with the consent of the holders thereof, call in such outstanding debentures and discharge the

same with the funds raised under this Act, or may substitute therefor debentures issued under this Act, as may be agreed between the holders of such outstanding debentures and the said corporation, and in like manner the said corporation may pay off or arrange with the said municipalities or any of them. 5

Payment, &c., of debentures to be in conformity with ss. 330 and 332 of R. S. O. c. 174.

4. Except where otherwise provided by this Act the payment, satisfaction and discharge of said debentures and the providing for such payment and the issue of said debentures, and all by-laws passed in respect thereof shall be in conformity with, and as required by, either sections three hundred and 10 thirty or three hundred and thirty-two of chapter one hundied and seventy-four of the Revised Statutes of Ontario.

Repeal of certain by-laws prohibited.

5. Any by-law passed under this Act, authorizing the issue of the said new debentures or any part thereof, shall not be repealed until the debt created thereby and the interest thereon 15 shall be paid and satisfied.

By-laws valid 6. It shall not be decined necessary without assent debentures to obtain the consent of the electors of the said 6. It shall not be deemed necessary to the validity of said county to the passing of any by-law under this Act, but except otherwise provided by this Act all other provisions of said 20 chapter one hundred and seventy-four of the Revised Statutes of Ontario shall apply to said debentures and to all by-laws to be passed in respect thereof.

TORONTO: -PRINTED BY HUNTER, ROSE & Co.	Mr. Tooley.	PRIVATE BILL.	1st Reading, 28th January, 1879.	(Reprinted us Amended.)	An Act to consolidate the debt of the County of Middlesex.	BILL.	4th Session, 3rd Parliament, 42 Vic., 1879.	No. 5.

An Act respecting an agreement entered into between the City of Brantford and the Grand Trunk Railway Company.

HEREAS the Corporation of the City of Brantford and Preamble. the Grand Trunk Railway Company of Canada did enter into a certain agreement, which is set out in the Schedule to this Act at length; And whereas the said company have petitioned that the said agreement may be legalized and confirmed, and whereas it is expedient that the prayer of the said petition should be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

10 as follows:

1. The said agreement in the Schedule to this Act set out Agreement is hereby legalized and confirmed and made binding, and the confirmed said streets mentioned in said agreement, and therein agreed to be closed, shall be so closed as public streets, and those which 15 are therein declared to be public streets shall be public streets accordingly.

2. The City Council of the said City of Brantford are hereby Council of authorized to do any and all acts, and to pass any by-law Brantford authorized to necessary and requisite to give full effect to the said agree-pass by-laws, 20 ment, or to extend the time for the performance thereof as they c. in their discretion shall deem proper.

3. Notwithstanding anything to the contrary in the said Time for makagreement mentioned, the time for making the crossing or ing Rawdon street in said agreement mentioned is extended.

25 hereby extended to the day of

one thousand eight hundred and seventy-nine, and the said agreement shall be taken and read as if said date were the date inserted therein for the completion of said work.

SCHEDULE IN THE ABOVE ACT REFERRED TO.

This agreement, made this first day of July, in the year of our Lord 1874:

By and between the Grand Trunk Railway Company of Canada of the first part and the Corporation of the Town of Brantford of the second part.

Whereas there is now pending in the Court of Chancery, in the Province of Ontario, a certain information by Her Majesty's Attorney-General for the Province of Ontario, on behalf and at the instance of the said Corporation of the Town of Brantford, against the said The Grand Trunk Railway Company of Canada, which said information is intended to compel the said The Grand Trunk Railway Company of Canada to put in certain crossings of their railway of certain streets in the said information mentioned and specified, which the said company contend they are not in law or otherwise obliged to

put in; And whereas for the purpose of compromising the said suit and setting at rest all questions respecting any and all the matters contained and mentioned in the said information, and also for determining what streets shall and what streets shall not be opened, under or across the said company's railway, in the Town of Brantford, which are now unopened, either under, over, or across the said company's railway in said town, it has been agreed, by and between the parties hereto, that the company shall open Clarence Street in said town, under their railway, by a crossing with stone abutments, which, as to height, shall be in accordance with the Railway Act, 1868. The width of said crossing or tunnel between the walls to be at least twenty-five feet. This undercrossing to be completed during the year one thousand eight hundred and seventy-four absolutely and at all events, notwithstanding anything herein contained to the contrary.

The said company also to open the said Rawdon Street in said information mentioned, under said railway, on the line of said street, in the same manner and same width as in the case of Clarence Street, said crossing or tunnel to be completed at or before the close of the year one thousand eight hundred and

seventy-eight.

That the said work shall be done by the company at their

own cost.

That the parties to this agreement shall join in an application to the Legislature of the Province of Ontario for an Act to legalize and confirm this agreement and to authorize the closing up of all the other streets in said information claimed as streets which the Crown or the corporation or any person or persons have now the right to require the said company to carry over, under, or on the level across their railway, and not now opened, and to finally close the same, in so far as the crossing in any of the manners aforesaid of the said railway, the fees on passing the Act by the Legislature, payable by the rules of the House of Assembly, to be paid by the Company.

The cost of advertising in the local paper, and the costs of the Gazette to be paid by the company. The Bill to be prepared by the company, and each party shall use their best en-

deavours to have the said Act passed and become law.

And whereas the said parties desire to give effect to the said

proposed arrangement,

Therefore this agreement witnesseth that the said parties have agreed, and they each do agree with the other, in the manner above mentioned, and they each covenant with the other to abide by, fulfil and keep the same agreement in all respects faithfully, and according to the spirit, true intents and meaning of the said above mentioned arrangement.

That if the Legislature of the Province of Ontario, or the Parliament of Canada, in ease jurisdiction lies therewith, fail

to pass the said Act, then the above parties shall, as regards the merits of said suit or information, be remitted to their former position, and nothing done under this agreement shall be used to the prejudice of either party, and both parties shall stand in the same position as if this agreement had not been made, and no act had been done under it. The whole agreement and any work done are to be without prejudice to said suit now pending as aforesaid, but in any case the crossing at Clarence Street shall be at once proceeded with, and be completed during the present year.

That the said suit in Chancery shall stand until said work is done, and upon its being done, then it is to be taken as released, and the information shall be dismissed without costs,

and each party shall pay their own costs of said suit.

The company agree and consent that the said Local Legislature, in the said Bill, shall declare that said streets so to be opened are and were public streets, and as such entitled to be opened in the manner above proposed; and further, that if they fail to carry out this agreement, they will consent to the passing of an Act by the Parliament of the Dominion of Canada, confirming and making binding on them this agreement, if the said corporation think or are advised that such an Act is necessary, and they will bear all costs of getting said Act.

In witness whereof the said parties have hereunto set their

corporate seals, on the day and year first above written.

(Signed.) W. Mathews, [Seal.]

Mayor.

(Signed.) J. Hickson, [Seal.] Sec'y and Treas'r Grand Trunk Railway of Canada.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting an agreement entered into between the City of Brantford and the Grand Trunk Railway Company.

1st Reading,

1879.

(PRIVATE BILL.)

MR. DEROCHE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting an agreement entered into between the City of Brantford and the Grand Trunk Railway Company.

HEREAS the Corporation of the City of Brantford and Preamble.
the Grand Trunk Railway Company of Canada did
enter into a certain agreement, which is set out in the Schedule
to this Act at length; And whereas the said company have
petitioned that the said agreement may be legalized and confirmed, and whereas it is expedient that the prayer of the said
petition should be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

10 as follows:

1. So far as it is within the jurisdiction of the Legislature Agreement of the Province of Ontario, the said agreement in the Schedule confirmed to this Act set out is hereby legalized and confirmed and made binding, as fully as if the power to make the same had existed 15 before the making thereof, and the said streets mentioned in said agreement, and therein agreed to be closed, shall be so closed as public streets, and those which are therein declared to be public streets shall be public streets accordingly, provided always that the said agreement and this act shall not apply to 20 any street or streets west of the said Company's station in the city of Brantford.

2. Notwithstanding anything to the contrary in the said Time for makagreement mentioned, the time for making the crossing or Rawdon tunnel in Rawdon Street in said agreement mentioned is extended.
25 hereby extended to the thirty-first day of December one thousand eight hundred and seventy-nine, and the said agreement shall be taken and read as if said date were the date inserted therein for the completion of said work.

SCHEDULE IN THE ABOVE ACT REFERRED TO.

This agreement, made this first day of July, in the year of our Lord 1874:

By and between the Grand Trunk Railway Company of Canada of the first part and the Corporation of the Town of Brantford of the second part.

Whereas there is now pending in the Court of Chancery, in the Province of Ontario, a certain information by Her Majesty's Attorney-General for the Province of Ontario, on behalf and at the instance of the said Corporation of the Town of Brantford, against the said The Grand Trunk Railway Company of Canada, which said information is intended to compel the said The Grand Trunk Railway Company of Canada to put in certain crossings of their railway of certain streets in the said information mentioned and specified, which the said company contend they are not in law or otherwise obliged to

put in:

And whereas for the purpose of compromising the said suit and setting at rest all questions respecting any and all the matters contained and mentioned in the said information, and also for determining what streets shall and what streets shall not be opened, under or across the said company's railway, in the Town of Brantford, which are now unopened, either under, over, or across the said company's railway in said town, it has been agreed, by and between the parties hereto, that the company shall open Clarence Street in said town, under their railway, by a crossing with stone abutments, which, as to height, shall be in accordance with the Railway Act, 1868. The width of said crossing or tunnel between the walls to be at least twenty-five feet. This undercrossing to be completed during the year one thousand eight hundred and seventy-four absolutely and at all events, notwithstanding anything herein contained to the contrary.

The said company also to open the said Rawdon Street in said information mentioned, under said railway, on the line of said street, in the same manner and same width as in the case of Clarence Street, said crossing or tunnel to be completed at or before the close of the year one thousand eight hundred and

seventy-eight.

That the said work shall be done by the company at their

own cost.

That the parties to this agreement shall join in an application to the Legislature of the Province of Ontario for an Act to legalize and confirm this agreement and to authorize the closing up of all the other streets in said information claimed as streets which the Crown or the corporation or any person or persons have now the right to require the said company to carry over, under, or on the level across their railway, and not now opened, and to finally close the same, in so far as the crossing in any of the manners aforesaid of the said railway is concerned, the fees on passing the Act by the Legislature, payable by the rules of the House of Assembly, to be paid by the Company.

The cost of advertising in the local paper, and the costs of the *Gazette* to be paid by the company. The Bill to be prepared by the company, and each party shall use their best en-

deavours to have the said Act passed and become law.

And whereas the said parties desire to give effect to the said

proposed arrangement,

Therefore this agreement witnesseth that the said parties have agreed, and they each do agree with the other, in the manner above mentioned, and they each covenant with the other to abide by, fulfil and keep the same agreement in all respects faithfully, and according to the spirit, true intents and meaning of the said above mentioned arrangement.

That if the Legislature of the Province of Ontario, or the

Parliament of Canada, in case jurisdiction lies therewith, fail to pass the said Act, then the above parties shall, as regards the merits of said suit or information, be remitted to their former position, and nothing done under this agreement shall be used to the prejudice of either party, and both parties shall stand in the same position as if this agreement had not been made, and no act had been done under it. The whole agreement and any work done are to be without prejudice to said suit now pending as aforesaid, but in any case the crossing at Clarence Street shall be at once proceeded with, and be completed during the present year.

That the said suit in Chancery shall stand until said work is done, and upon its being done, then it is to be taken as released, and the information shall be dismissed without costs,

and each party shall pay their own costs of said suit.

The company agree and consent that the said Local Legislature, in the said Bill, shall declare that said streets so to be opened are and were public streets, and as such entitled to be opened in the manner above proposed; and further, that if they fail to carry out this agreement, they will consent to the passing of an Act by the Parliament of the Dominion of Canada, confirming and making binding on them this agreement, if the said corporation think or are advised that such an Act is necessary, and they will bear all costs of getting said Act.

In witness whereof the said parties have hereunto set their

corporate seals, on the day and year first above written.

(Signed.)

W. Mathews,

Mayor.

[Seal.]

(Signed.) J. Hickson, [Seal.] Sec'y and Treas'r Grand Trunk Railway of Canada

RILL

An Act respecting an agreement entered into between the City of Brantford and the Grand Trunk Railway Company.

(Reprinted us Amended.)

1st Reading, 28th January, 1879.

PRIVATE BILL.

MR. DEROCHE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Village of Niagara Falls.

HEREAS the inhabitants of the Village of Drummond-Preamble. ville, in the County of Welland, and of that portion of the Town of Clifton in said County sought to be incorporated with said Village of Drummondville have, by their petition, 5 represented that there is a population of over seven hundred and fifty souls resident within the said Village of Drummondville and the said portion of the said Town of Clifton, and that the inhabitants within the said boundary are largely in favour of the said incorporation, and in compliance with a resolution 10 passed at a public meeting duly convened to consider the matter of incorporation and numerously attended, it is desirable that the said Village of Drummondville and the said portion of the said Town of Clifton be incorporated under the name of "The Corporation of the Village of Niagara Falls in the County 15 of Welland," and also that the limits of the Town of Clifton and the Village of Drummondville be adjusted by this Act instead of as provided for in section thirteen of Chapter sixtythree of the Statutes of Canada, passed in the year one thousand eight hundred and fifty-six, and whereas it is expedient

20 to grant the prayer of the said petition;
Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. On and after the passing of this Act the inhabitants of Incorporation 25 the said Village of Drummondville and of the said Town of of Niagara

1. On and after the passing of this Act the inhabitants of Incorporation 25 the said Village of Drummondville and of the said Town of Niagara

1. On and after the passing of this Act the inhabitants of Incorporation 25 the said Village of Drummondville and of the said Town of Niagara Clifton, comprised within the boundaries hereinafter mentioned, Falls, shall be and they are hereby constituted a corporation or body public under the name of "The Corporation of the Village of Niagara Falls," and shall enjoy all such rights, powers and pri-30 vileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

2. The said Village of Niagara Falls shall comprise and Boundaries of consist of the following lots and parts of lots, that is to say: village. Commencing at a point in the centre of the Niagara River 35 where it would be intersected by the production easterly of the centre line of the Government allowance for road, lying to the north of lot one hundred and twenty-nine and its broken front in the Township of Stamford; thence westerly on said line produced easterly, as above described, and on centre of 40 the said road allowance lying north of lot one hundred and twenty-nine and its broken front, and on the centre line of road north of lot one hundred and thirty in said township to the centre of the allowance for road on the west of lot one hundred and thirty aforesaid; thence southerly on centre of road allowance lying west of lots one hundred and thirty, one hundred and forty-three and a portion of lot one hundred and forty-six to its intersection with the production westerly of the centre of Murray Street, as laid down on map of the City of the Falls Company's lands; thence easterly on centre of said Murray Street to the lands of the Erie and Ontario Railway (now Canada Southern); thence southerly along the westerly side of the said railway lands to the division line between blocks numbers nine and ten of the before mentioned City of 10 the Falls Company's lands; thence easterly crossing said railway lands, and on limit between blocks nine and ten aforesaid and its production easterly to the centre of the Niagara River, and thence down the centre of said river with the stream following the various courses and windings thereof to the place 15 of beginning.

Appointment of Returning Officer.

3. Immediately after the passing of this Act it shall be lawful for John A. Orchard, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at the Town Hall, in the said Village of Nia-20 gara Falls, at the hour of noon, and he shall give one week's notice thereof, posted up in at least five conspicuous places in the said village, and he shall preside at such nomination, and in case of his absence the electors present shall choose from amongst themselves a chairman who shall have all the powers 25 of a returning officer, and the polling for the said election in the event of a poll being required shall be holden the same day of the week next following the said nomination, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification of voters.

4. At the first election of reeve and councillors, the qualification of the electors and of the reeve and councillors and other officers, shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the reeve, councillors and other officers shall be the same as that 35 required in incorporated villages.

Clerk to furnish certified copy of assessment roll.

5. The Township Clerk of the Township of Stamford, and the Clerk of the Town of Clifton shall furnish the Clerk of the Corporation of the Village of Niagara Falls, when demanded by him, a certified copy of so much of the last revised assess-40 ment rolls of the Township of Stamford and the Town of Clifton respectively, as show the persons assessed and the amount of such assessment within-the limits of the Corporation of the Village of Niagara Falls.

Municipal Act to apply.

6. All provisions of the Municipal Institutions Act of 45 Ontario, so far as the same relate to the incorporation of villages, shall be taken to apply to matters consequent upon the incorporation of the Village of Niagara Falls, the same as if the said village had been incorporated under the said Act.

Expenses.

7. The expenses incurred in obtaining this Act, and furnish- 50 ing any documents, copies of papers, writings, deeds, or any matter whatsoever required from the Corporation of the Town-

ship of Stamford, or from the Corporation of the Town of Clifton shall be borne and paid by the Corporation of the Village of Niagara Falls.

S. The boundaries of the Town of Clifton shall remain as at Boundaries of 5 present, with the exception of the southern boundary which, after the passing of this Act, shall be the centre of the allowance for road between lots one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and thirty and one hundred and twenty-nine 10 produced to the river.

4th Session, 3rd Parliament, 42 Vic., 1879.

TITIO

An Act to incorporate the Village of Niagara Falls.

1st Reading, 1879.

(PRIVATE BILL.)

Hon. Mr. Currie.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

as follows:

An Act to incorporate the Village of Niagara Falls.

WHEREAS the inhabitants of the Village of Drummond. Preamble. ville, in the County of Welland, and of that portion of the Town of Clifton in said County hereby sought to be incorporated with said Village of Drummondville have, by their 5 petition, represented that there is a population of over seven hundred and fifty souls resident within the said Village of Drummondville and the said portion of the said Town of Clifton, and that the inhabitants within the said boundary are largely in favour of the said incorporation, and whereas it was 10 resolved at a public meeting duly convened to consider the matter of incorporation and numerously attended, that it was desirable that the said Village of Drummondville and the said portion of the said Town of Clifton be incorporated under the name of "The Corporation of the Village of Niagara Falls in the County 15 of Welland," and also that the limits of the Town of Clifton and the Village of Drummondville be adjusted by this Act instead of as provided for in section thirteen of chapter sixty-

sand eight hundred and fifty-six, and whereas it is expedient 20 to grant the prayer of the said petition;
Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

three of the Statutes of Canada, passed in the year one thou-

1. On and after the first day of April after the passing of Incorporation 25 this Act the inhabitants of the said Village of Drummondville of Niagara and of so much of the said Town of Clifton, as is comprised Falls. within the boundaries hereinafter mentioned, shall be and they are hereby constituted a corporation or body politic under the name of "The Corporation of the Village of Niagara Falls," 30 and shall enjoy all such rights, powers and privileges as are now

or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

2. The said Village of Niagara Falls shall comprise and Boundaries of consist of the following lots and parts of lots, that is to say: village. 35 Commencing at a point in the centre of the Niagara River where it would be intersected by the production easterly of the centre line of the Government allowance for road, lying to the north of lot one hundred and twenty-nine and its broken front in the Township of Stamford; thence westerly on said 40 line produced easterly, as above described, and on centre of the said road allowance lying north of lot one hundred and twenty-nine and its broken front, and on the centre line of road north of lot one hundred and thirty in said township to the centre of the allowance for road on the west of lot one hun-

dred and thirty aforesaid; thence southerly on centre of road allowance lying west of lots one hundred and thirty, one hundred and forty-three and a portion of lot one hundred and forty-six to its intersection with the production westerly of the centre of Murray Street, as laid down on the map of the City of the Falls Company's lands; thence easterly on centre of said Murray Street to the lands of the Erie and Ontario Railway Company (now the Canada Southern Railway Company); thence southerly along the westerly side of the said railway lands to the division line between blocks numbers nine and ten 10 of the before mentioned City of the Falls Company's lands; thence easterly crossing said railway lands, and on limit between blocks nine and ten aforesaid and its production easterly to the centre of the Niagara River, and thence down the centre of said river with the stream following the various 15 courses and windings thereof to the place of beginning.

Appointment of Returning Officer.

3. Immediately after the first day of April next after the passing of this Act it shall be lawful for Marsena Biggar, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at the Town 20 Hall, in the said Village of Niagara Falls, at the hour of noon, and he shall give one week's notice thereof, posted up in at least five conspicuous places in the said village, and he shall preside at such nomination, and in case of his absence the electors present shall choose from amongst themselves a chair-25 man who shall have all the powers of a returning officer, and the polling for the said election in the event of a poll being required shall be holden the same day of the week next following the said nomination, and the duties of the returning officer shall be those prescribed by law with respect to incorporated 30 villages.

Qualification of voters.

4. At the first election of reeve and councillors, the qualification of the electors and of the reeve and councillors and other officers, shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the 35 reeve, councillors and other officers shall be the same as that required in incorporated villages.

Clerk to furnish certified copy of assessment roll.

5. The Township Clerk of the Township of Stamford, and the Clerk of the Town of Clifton shall furnish the Clerk of the Corporation of the Village of Niagara Falls, when demanded 40 by him, a certified copy of so much of the last revised assessment rolls of the Township of Stamford and the Town of Clifton respectively, as show the persons assessed and the amount of such assessment within the limits of the Corporation of the Village of Niagara Falls.

Municipal Act to apply.

6. Except as otherwise provided by this Act, all provisions of "The Municipal Act," so far as the same relate to the incorporation of villages, shall be taken to apply to matters consequent upon the incorporation of the Village of Niagara Falls, the same as if the said village had been incorporated 50 under the said Act.

Expenses.

7. The expenses incurred in obtaining this Act, and furnish-

ing any documents, copies of papers, writings, deeds, or any matter whatsoever required from the Corporation of the Township of Stamford, or from the Corporation of the Town of Clifton shall be borne and paid by the Corporation of the Village 5 of Niagara Falls.

8. The boundaries of the Town of Clifton shall remain as at Boundaries of Clifton. present, with the exception of the southern boundary which, after the said first day of April next after the passing of this Act, shall be the centre of the allowance for road between lots 10 one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and thirty and one hundred and twenty-nine in the Township of Stamford, produced to the river, and that part of the present Town of Clifton lying within the boundaries of the said Village of 15 Niagara Falls shall after said first day of April be detached from said Town of Clifton and thereafter form part of the said Village of Niagara Falls.

9. The said Village of Niagara Falls shall not have any Village not elaim or be entitled to any sum or sums of money by way of compensation 20 compensation or otherwise in respect of any public buildings from Town of or improvements in or any property belonging to or within Clifton for public imsaid Town of Clifton or for or in respect of any other matter provements. or thing whatsoever.

10. The Council of the Corporation of the Village of Nia- Special powers 25 gara Falls in addition to the powers which they now possess or as to by-laws. may possess under and by virtue of the Municipal Act may and are hereby authorized to pass by-laws in the same manner and for the same purposes as the Council of the Corporation of the Town of Clifton were and are authorized by chapter fifty-six 30 of the Statutes of Ontario, passed in the thirty-sixth year of Her Majesty's reign. 🥽

- 11. Subject to the other provisions of this Act, all prose- Prosecutions cutions under the said by-laws for offences against the provisi- under by-laws. ons of such by-laws may take place before the reeve of the said 35 village, or before any one of Her Majesty's justices of the peace having jurisdiction in the said village, who it is hereby declared shall have authority to hear and determine in a summary manner, and on such trial and proceedings the prosecutor or complainant shall be a competent witness, and the conviction 40 or order of the said reeve, or of such justices, as as the case may be, shall be final and conclusive; when the fine (exclusive of costs) does not exceed twenty dollars, or the imprisonment does not exceed thirty days; and against such conviction or order there shall be no appeal to the Court of General Sessions 45 of the Peace, or to any other court, any statute, usage, custom or law to the contrary notwithstanding.
- 12. In the said Village of Niagara Falls, four hotels near Hotel licenses. the Falls of Niagara, which may be licensed, may be excluded from the number which would otherwise be the maximum limit 5C of such licensed hotels under "the Liquor License Act." 🙈
 - 13. The police magistrate for the Town of Clifton should Powers of police magistrate and may exercise and enjoy the same powers and authority of Clifton.

and shall have the same jurisdiction in the said Village of Niagara Falls that he now exercises and enjoys in the Town of Clifton.

Application of money derived from assessments, taxes and licenses in that part of said Village of Niagara Falls, east part of village of the centre of the second concession road shall be disbursed for the next three years in improving the roads, side-walks, and for school purposes therein, excepting so much as may be necessary to pay a proportionate amount of the county tax, and a proportion for police and official services within said vil-10 lage.

PRIVATE BILL

1st Reading, 30th January, 1879.

Mr. CURRIE.

An Act to incorporate the Village Niagara Falls. of,

Reprinted as Amended.)

4th Session, 3rd Parliament, 42 Vic., 1879.

No. 7.

PRINTED BY HUNTER, ROSE & Co.

TORONTO:

incorporate the Village of Falls of An Act to Niagara.

HEREAS the inhabitants residing in the immediate Preamble. vicinity of the Falls of Niagara have, by their petition, represented that it would conduce greatly to their interest and prosperity to have the territory, hereinafter described, 5 incorporated under the name of the Corporation of Falls of Niagara, in the County of Welland, and whereas it is expe-

dient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

10 as follows:

1. On and after the passage of this Act the inhabitants com- Incorporation prised within the boundaries hereinafter mentioned shall be, of the Vill prised within the boundaries hereinafter mentioned shall be, of Falls of and they are hereby constituted, a body corporate, separate Niagara. and apart from the Town of Clifton, and the Township of 15 Stamford, under the name of the Corporation of the Village of Falls of Niagara, and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred on incorporated villages in the Province of Ontario.

2. The said Village of Falls of Niagara shall consist of Boundary of 20 all that part of the Town of Clifton, lying south of the north Village. boundary of Philip Bender's and Alanson Ross' farms, and such part of the Township of Stamford as is included in the following boundaries:—Commencing at a point in the centre of the Niagara River, on a direct line with the north boundary 25 of said Bender's farm; from thence west along said line to the north-east corner of said Bender's farm; thence continuing west along the north boundary of said Bender's and Alanson Ross' farms, direct to the centre of the Concession Road to Dunn Street, at a point directly west of the cataract of the 30 Falls; from thence east to the centre of the Niagara River; thence down the centre of said river to the place of beginning.

3. Immediately after the passage of this Act it shall be Appointment lawful for Edward Redpath, who is hereby appointed the re- of turning officer, to hold the nomination for the first election of officer. 35 reeve and councillors, at such central and convenient place in said village as he shall name in a notice thereof, at the hour of noon, and of which he shall give one week's notice, which notice shall be posted up in at least three conspicuous places in said village; and he shall preside at such nomination, or in His duties. 40 case of his absence, the electors present shall choose from among

themselves a chairman to officiate, who shall have all the powers of the returning officer; and the polling for the said

election, in the event of there being a poll required, shall be held on the same day of the week, in the week next following the said nomination; and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification of voters.

4. At the first election of reeve and councillors, the qualification of the electors, and of the reeve and officers, shall be the same as that required in townships; and at all subsequent elections the qualifications of electors and of the reeve, councillors, and other officers shall be the same as that required in 10 incorporated villages.

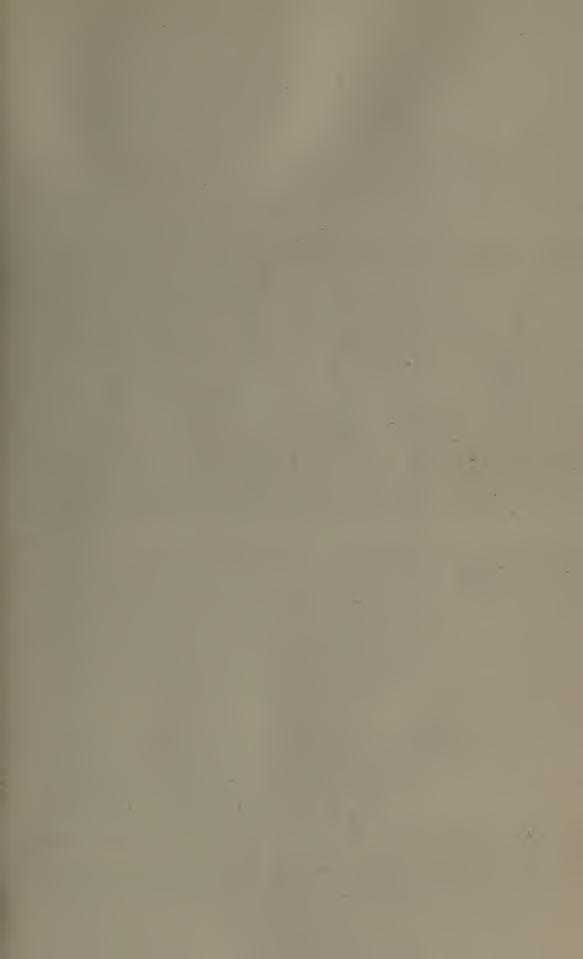
Adjustment of claims.

5. It shall be the duty of the village corporation hereby created, and the duty of the Town of Clifton, and of the Township of Stamford, to adjust equitably and justly their respective rights and claims upon each other, for all debts and liabilities, 15 and for all public buildings, fire-engines, and other improvements, and to pay the same to each other accordingly; and if they do not agree as to the amount of such claims respectively, then the same shall be determined by arbitration in the manner prescribed in the Municipal Act.

Hotel licenses

6. The Falls of Niagara being a popular resort for pleasure travellers, and the congregation of people from all parts of the world, it is desirable that it should have sufficient hotel accommodation; therefore, for this reason, the commissioners for licensing hotels are authorized, in their discretion, 25 to grant four hotel licenses in said village, in addition to those otherwise authorized.

Expenses provided for. 7. The necessary expenses incurred to obtain this Act shall be paid by said corporation.



4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to incorporate the Village of Falls of Niagara.

1st Reading,

1879.

(PRIVATE BILL.)

Hon. Mr. Currie.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act relating to the Toronto General Hospital.

HEREAS the trustees of the Toronto General Hospital Preamble. acting under the authority of the sixth section of thirty-nine Vic., chapter sixty-five, intituled "An Act to amend the Acts relating to the Toronto General Hospital," did on the 5 first day of January, A.D. one thousand eight hundred and seventy-seven, issue certain debentures numbered from number twenty-one to number twenty-five inclusive, amounting in all to the sum of ten thousand dollars, bearing interest at six per cent. per annum, and did negotiate the same and have applied 10 the proceeds thereof in the erection of a Lying-in-Hospital upon the grounds of the said Toronto General Hospital, and in connection therewith; and it may be questioned whether the said debentures could be issued for, or could be legally applied to any other purpose than the payment and discharge of other 15 debentures of the said trustees theretofore issued and then outstanding, and whereas it is expedient that the said debentures should be legalized, and the issue thereof and the appropriation of the proceeds of the same be confirmed;

Therefore Her Majesty, by and with the advice and consent 20 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said debentures issued by the said trustees of the Certain deben-Toronto General Hospital, bearing date the first day of Jan-tures legalized uary, A.D. one thousand eight hundred and seventy-seven, 25 numbered from number twenty-one to number twenty-five inelusive, for the sum of two thousand dollars each, amounting in the whole to the said sum of ten thousand dollars, shall be and are hereby declared to be, and from the issue thereof to have been good, valid, legal, binding and effectual, any law, usage 30 or custom to the contrary notwithstanding, and such issue of the said debentures is hereby confirmed.

2. The said debentures and the interest accrued and accru- Debentures a

ing thereon shall be and are hereby secured upon the real charge on real estate of the said Hospital, and the holders of the said deben-Hospital. 35 tures shall be deemed mortgagees thereof in the same manner, in every respect and to the same extent, as is provided in and by the said sixth section of the said Act for the other debentures of the said trustees, and the holders thereof; and the appropriation of the proceeds of the said debentures as set forth Appropriation of proceeds in the recital to this Act is hereby sanctioned and approved.

Appropriation of proceeds sanctioned. 40 in the recital to this Act is hereby sanctioned and approved.

3. And whereas it may become necessary, or expedient, to Trustees emenlarge the site of the Toronto General Hospital, it shall be powered to purchase land. lawful for the said trustees at any time to designate by resolu-

tion any lands in the neighbourhood of the then existing site which they deem it necessary or expedient to acquire, and to purchase and hold the same upon the same trusts upon which the present site is held.

Corporations trustees, &c., may sell lands.

4. All corporations and persons whatever, tenants in tail or for 5 life, guardians, curators, executors, administrators and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, femmes covert, or other persons, seized, possessed of or 10 interested in any such lands may contract for, sell and convey the same to the said trustees.

Sales to be valid.

5. Any contract, sale or conveyance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the trustees the fee sim- 15 ple in the lands mentioned in the deed of conveyance freed and discharged from all trusts and restrictions and limitations whatsoever, and the corporation or the person so conveying is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act. 20

Trustees not bound to see of purchase money.

- In case of disagreement arbitrators to determine v alue.
- 6. The trustees shall not be responsible for the disposition to application of any purchase money paid for lands taken under this Act.
 - 7. If the said trustees fail to agree with the owner or corporation or person entitled as aforesaid to contract for, sell or convey any such land for the purchase thereof, or as to the 25 price to be paid therefor; and if such land shall be within, or within five hundred feet of, the square now enclosed by Gerrard Street, Sumach Street, Spruce Street and Sackville Street, the trustees may name one arbitrator, and the owner, corporation or person aforesaid may name another, and the said two 30 arbitrators may name a third, and the said three arbitrators or the majority of them shall determine the price which the trustees shall pay for such lands.

Provisions in or refusal to appoint arbitrators.

8. If any such owner, corporation or person neglects or recase of neglect fuses to name an arbitrator for the space of eight days after 35 having been required in writing to do so by the trustees, or if the said arbitrators do not within the space of three days after their appointment name such third arbitrator, or if any arbitrator appointed as herein provided refuses or neglects within the space of two days after his appointment to take 40 upon himself the duties hereby imposed, then upon the application of the said trustee or of the said owner, corporation or person, the Lieutenant-Governor may nominate any disinterested person to act as third arbitrator or in place of the arbitrator so refusing or neglecting to act, and any award made 45 by a majority of the said arbitrators shall be as binding as if the three arbitrators concurred in and under the same.

9. In case the trustees require to take a part only of any estimate dam-age caused by trators in ascertaining the price to be paid therefor shall have 50 regard to the injury, if any, done to the remaining part by the severance of the part so taken.

10. Upon the price being determined by the award of the Conveyance to 5 arbitrators the trustees may pay or tender the amount to the be executed on payment or said owner, corporation or person, and he shall thereupon tender of execute a conveyance of the land to the trustees.

11. In ease any land required to be taken as aforesaid shall Proviso if land 10 be encumbered by mortgage or other charge of which the trus-incumbered or trus-incumbered. tees have actual notice by registry or otherwise, the trustees may, at their option, pay off or assume the payment of such incumbrance, and the payment or assumption thereof shall be a payment of so much of the price of the land, and if the incum-15 brance shall exceed the price, then payment of the full price

to the incumbrancer or one or more of the incumbrancers, if there are more than one, in the order of their priority shall

free the said land from all incumbrances thereon.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act relating to the Toronto General Hospital.

1st Reading,

1879.

(PRIVATE BILL.)

MR. CHISHOLM.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act relating to the Toronto General Hospital.

HEREAS the trustees of the Toronto General Hospital Preamble. acting under the authority of the sixth section of the Act passed in the thirty-ninth year of Her Majesty's reign chaptered sixty-five, intituled "An Act to amend the Acts relating to the Toronto General Hospital," did on the first day of January, A.D. one thousand eight hundred and seventy-seven, issue certain debentures numbered from number twenty-one to number twenty-five inclusive, amounting in all to the sum of ten thousand dollars, bearing interest at six per 10 cent. per annum, and did negotiate the same and have applied the proceeds thereof in the erection of a Lying-in-Hospital upon the grounds of the said Toronto General Hospital, and in connection therewith; and it may be questioned whether the said debentures could be issued for, or could be legally applied 15 to any other purpose than the payment and discharge of other debentures of the said trustees theretofore issued and then outstanding, and whereas it is expedient that the said debentures should be legalized, and the issue thereof and the appropriation of the proceeds of the same be confirmed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said debentures issued by the said trustees of the tures legalized Toronto General Hospital, bearing date the first day of Jan-35 uary, A.D. one thousand eight hundred and seventy-seven, numbered from number twenty-one to number twenty-five inelusive, for the sum of two thousand dollars each, amounting in the whole to the said sum of ten thousand dollars, shall be and are hereby declared to be, and from the issue thereof to have 40 been good, valid, legal, binding and effectual, any law, usage or custom to the contrary notwithstanding, and such issue of the said debentures is hereby confirmed.

2. The said debentures and the interest accrued and accru-charge on real ing thereon shall be and are hereby secured upon the real Hospital. 45 estate of the said Hospital, and the holders of the said debentures shall be deemed mortgagees thereof in the same manner, in every respect and to the same extent, as is provided in and by the said sixth section of the said Act for the other deben- Appropriation tures of the said trustees, and the holders thereof; and the ap- of proceeds 50 propriation of the proceeds of the said debentures as set forth sanctioned. in the recital to this Act is hereby sanctioned and approved.

Debentures a

Certain deben-

3. Section five of the above mentioned Act is hereby Sec. 5 of 39 V. repealed and in lieu thereof the following shall be substituted: and new sec-

tion substi-

(5) The said trustees shall also have power to appoint special medical or surgical attendants, not exceeding four in number and also a staff of consulting Physicians and Surgeons, of not more than six persons; all of whom shall hold their positions in the same manner and for the same period as the medical staff 5 —and the trustees may pass by laws (subject to the approval of the Lieutenant-Governor in Council) for regulating the duties of the medical and consulting staffs, special or otherwise, and all matters and routine relating to medical attendants.

(PRIVATE BILL.)

1st Reading, 29th January, 1879.

(Reprinted as Amended.)

Mr. Chisholm.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

th Session, 3rd Parliament, 42

Vic., 1879

An Act relating to the Toronto General Hospital.

An Act to legalize certain by-laws of the City of St. Catharines and to amend the several Acts relating to the Water Works of said city.

HEREAS the City of St. Catharines, in pursuance of an Preamble. Act passed by the Legislative Assembly of the Province of Ontario, in the forty-first year of Her Majesty's reign, chaptered thirty-nine, and intituled "An Act respecting the 5 City of St. Catharines," have passed by-law number two hundred and sixty-six to enable them to raise by the issue of debentures the sum of seventy-five thousand dollars to pay the indebtedness already incurred for the completion of the Water Works of said city, and by-law number two hundred sixty-10 five to raise by the issue of debentures the sum of twentytwo thousand dollars for the purchase of market grounds and the erection of public buildings thereon; and whereas de-bentures have been issued under the authority of said bylaws to the extent of seventy-five thousand dollars and twenty-15 two thousand dollars respectively, and doubts have arisen as to the validity of said by-laws by reason of their not having received the assent of the electors of said city before the final passing thereof, and as to the validity of the debentures issued under said by-laws, and it is expedient in the interest of the 20 public and the holders of said debentures, that all such doubts should be removed, and that such by-laws and debentures should be legalized and confirmed; and whereas the said City of St. Catharines have by their petition prayed that certain amendments should be made to the Acts passed 25 in the twentieth year of Her Majesty's reign, chaptered ninetyone, and the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-seven, so as to enable the Water Works Commission of the said City of St. Catharines to levy and collect water rates, and for other purposes: and whereas 30 it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. By law number two hundred and sixty-six of the said By-laws and 35 City of St. Catharines, passed on the twenty-second day of debentures legalized. April, in the year of our Lord one thousand eight hundred and seventy-eight entitled "A by-law to provide for the issue of debentures for seventy-five thousand dollars for the construction and completion of Water Works," and by-law 40 number two hundred and sixty-five of said city, passed on the twenty-second day of April, in the year of our Lord one thousand eight hundred and seventy-eight, entitled "A by-

law to provide for the issue of debentures for twenty-two thousand dollars for the purchase of grounds for market purposes, etc.," and the debentures issued thereunder, and all acts done in pursuance thereof, are hereby legalized and declared valid and binding, notwithstanding any irregularity in 5 the passing of the said by-laws, or preliminary to the passing thereof.

20 Vic., c. 91, 2. Section eight of chapter innety-one of the section eight of chapter innety-one of the section of the twentieth year of Her Majesty's reign, intituled "An Act for Works in the Town of St. Cathathe construction of Water Works in the Town of St. Catha-10 rines," is hereby amended by striking out of the first line of said section the words "Board of Commissioners," and substituting therefor the words "Water Works Commission of the City of St. Catharines," and by striking out the words "Mayor and Town Council of the Town of St. Catharines," 15 in the eleventh and twelfth lines of said section and substituting the words "The Council of the Corporation of the said City of St. Catharines."

20 Vic., c. 91, s. 9 repealed.

3. Section nine of said chapter ninety-one passed in the twentieth year of Her Majesty's reign is hereby repealed, and 20

the following enacted in lieu thereof:

New section.

(9.) The said Water Works Commission shall have power and authority, from time to time, to fix the price, rate, or rent, which any owner, or occupant, of any house, tenement, lot, or part of a lot, or both, in, through, or past which the 25 water pipes shall run, and who shall be consumers of water supplied by said commissioners shall pay as water rate, or rent, having due regard to the assessment, and to any special benefit and advantage, derived by said owner and occupant, or conferred upon him, her, or their property by the Water 30 Works and the locality in which the same is situated, and such water rate or rent as shall be assessed by said Water Works Commission, upon such owner, or occupant, shall be and continue a lien and charge (unless paid) upon such house, tenement, lot, or part of a lot, and may be levied and collected in 35 like manner as municipal rates and taxes are by law recoverable, and the said Water Works Commission shall have power and authority, from time to time to fix the rate or rent, to be paid for the use of the water by hydrants, fire plugs, and public buildings.

39 Vic., c. 47,

4. Section thirteen of said Act passed in the thirty-ninth s. 13, repealed year of Her Majesty's reign, chaptered forty-seven, intituled "An Act to amend the Act for construction of Water Works in the Town of St. Catharines," is hereby repealed and the following enacted in lieu thereof: 45

New section.

(13.) All water rates and rents when collected, less disbursements, by the commissioners shall be paid to the Treasurer of the City of St. Catharines and by him placed to the credit of the Water Works Commission, and the commissioners shall have power from time to time to 50 make and enforce all necessary by-laws, rules and regulations for the general maintenance, or the management or conduct of the said Water Works, officers and others employed by them, not inconsistent with this Act, and for the collection of said

water rents, and water rates, and for fixing the time or times (which shall be quarterly) when, and the places where, the same shall be payable, also for allowing discount for prepayment, and in case of default of payment, to enforce the pay-5 ment by shutting off the water or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner, or occupant, or any goods or chattels in his or her possession wherever the same may be found within the said city, or either of the Counties 10 of Lincoln or Welland, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant thereof, such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of taxes in said city, and the costs chargeable shall be those 15 payable to bailiffs under the Division Court Act, provided Proviso. that the attempt to collect such rates, or rents, by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of any such rates or rents remaining uncollected, and unpaid, and continuing a lien upon

20 the premises as herein before provided the amount of such rates or rents in arrears, shall be returned by the commissioners to the treasurer of said city annually, on or before the first day of May in each and every year, and the same together with interest thereon at the rate of ten per centum per annum shall 25 thereupon be collected by such treasurer by the sale of the lands and premises, in the same manner and subject to the

same provisions, as in the case of the sale of non-resident lands for arrears of municipal taxes.

5. In order to prevent the waste of water, and settle dis-Commission 30 putes arising therefrom, as to the quantity consumed, the said ers empowered to use Water Water Works Commission are empowered to place water Meters. meters upon any service pipe or connection, within or without any house, or building, where water is used, as they may deem expedient, and for this purpose, and for the purpose of 35 protecting, or of regulating the use of any such meter, to set or alter the position of the same, or of any pipe connection, or tap, and to fix the price to be paid for the use of any such meter, and the times when, and the manner in which, the same shall be payable, and also to charge for and recover the expense 40 of such alterations, and such price, and the expense of such alterations may be collected in the same manner as water rates, and shall be a lien upon the real estate to the same extent, and neither the meter, nor any fittings thereto belonging, shall be subject to, or liable for rent by the possessor, or owner, 45 of any premises wherein the same may be.

6. Any person who shall wilfully alter any meter, placed as Penalty for in the last section mentioned, so as to lessen or alter the altering meters. amount of water registered thereby, or so as to cause the quantity registered, or used, to be falsely indicated, shall incur 50 a penalty of not less than five dollars, nor more than one hundred dollars, to be recovered with full costs, on summary conviction before any Justice of the Peace having jurisdiction in the locality in which the said offence is committed, and in case such penalty and costs are not paid forthwith, such Jus-55 tice of the Peace may commit the offender to the common

gaol of the County of Lincoln, for any period not exceeding thirty days, unless the said penalty and costs are sooner paid.

Protection of Commission-

7. The commissioners and their officers shall have the like protection in the exercise of their respective offices and the 5 execution of their duties, as Justices of the Peace now have under the laws of this Province.

4th Session, 3rd Parliament,

42 Vic., 1879

n Act to legalize certain by-laws of the City of St. Catharines and to amend the several Acts relating to the Water Works

PRIVATE BILL

1st Reading.

1879.

MR. MEREDITH

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to legalize certain by-laws of the City of St. Catharines and to amend the several Acts relating to the Water Works of said city.

THEREAS the City of St. Catharines, in pursuance of an Preamble. Act passed by the Legislative Assembly of the Province of Ontario, in the forty-first year of Her Majesty's reign, chaptered thirty-nine, and intituled "An Act respecting the 5 City of St. Catharines," have under the authority of section one of said Act passed by-law number two hundred and sixty-six to enable them to raise by the issue of debentures the sum of seventy-five thousand dollars to pay the indebtedness already incurred for the completion of the Water 10 Works of said city, and have under the authority of section four of said Act passed, by-law number two hundred and sixtyfive to raise by the issue of debentures the sum of twentytwo thousand dollars for the purchase of market grounds and the erection of public buildings thereon; and whereas de-15 bentures have been issued under the authority of said bylaws to the extent of seventy-five thousand dollars and twentytwo thousand dollars respectively, and doubts have arisen as to the validity of said by-laws by reason of their not having received the assent of the electors of said city before the final 20 passing thereof, and as to the validity of the debentures issued under said by-laws, and it is expedient in the interest of the public and the holders of said debentures, that all such doubts should be removed, and that such by-laws and debentures should be legalized and confirmed; and whereas 25 the said City of St. Catharines have by their petition prayed that certain amendments should be made to the Acts passed in the twentieth year of Her Majesty's reign, chaptered ninetyone, and the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-seven, so as to enable the Water 30 Works Commission of the said City of St. Catharines to levy and collect water rates, and for other purposes: and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

35 as follows:

1. By law number two hundred and sixty-six of the said By-laws and City of St. Catharines, passed on the twenty-second day of debentures April in the year of our Lord one thousand eight, hundred legalized. April, in the year of our Lord one thousand eight hundred and seventy-eight entitled "A by-law to provide for the issue 40 of debentures for seventy-five thousand dollars for the construction and completion of Water Works," and by-law number two hundred and sixty-five of said city, passed on

the twenty-second day of April, in the year of our Lord one thousand eight hundred and seventy-eight, entitled "A bylaw to provide for the issue of debentures for twenty-two thousand dollars for the purchase of grounds for market purposes, etc.," and the debentures issued thereunder, and all 5 acts done in pursuance thereof, are hereby legalized and declared valid and binding, upon and against the said City of St. Catharines and the ratepayers thereof notwithstanding any irregularity in the passing of the said by-laws, or preliminary to the passing thereof.

20 Vic., c. 91, 2. Section eight of chapter finitely one of the twentieth year of Her Majesty's reign, intituled "An Act for Works in the Town of St. Catha-2. Section eight of chapter ninety-one of the Act passed in the construction of Water Works in the Town of St. Catharines," is hereby amended by striking out of the first line of said section the words "Board of Commissioners," and substi- 15 tuting therefor the words "Water Works Commission of the City of St. Catharines," and by striking out the words "Mayor and Town Council of the Town of St. Catharines," in the eleventh and twelfth lines of said section and substituting the words "The Council of the Corporation of the said 20, City of St. Catharines."

20 Vic., c. 91, s. 9 repealed.

3. Section nine of said chapter ninety-one passed in the twentieth year of Her Majesty's reign is hereby repealed, and

the following enacted in lieu thereof:

New section.

(9.) The said Water Works Commission shall have power 25 and authority, from time to time, to fix the price, rate, or rent, which any owner, or occupant, of any house, tenement, lot, or part of a lot, or both, in, through, or past which the water pipes shall run, and who shall be consumers of water supplied by said commissioners, shall pay as water rate, or 30 rent, having due regard to the assessment, and to any special benefit and advantage, derived by said owner and occupant, or conferred upon him, her, or their property by the Water Works and the locality in which the same is situated, and such water rate or rent as shall be assessed by said Water Works 35 Commission, upon such owner, or occupant, shall be and continue a lien and charge (unless paid) upon such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable, and the said Water Works Commission shall have power 40 and authority, from time to time to fix the rate or rent, to be paid for the use of the water by hydrants, fire plugs, and public buildings.

39 Vic., c. 47. s. 13, repealed.

4. Section thirteen of said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-seven, intituled 45 "An Act to amend the Act for construction of Water Works in the Town of St. Catharines," is hereby repealed and the

following enacted in lieu thereof:

New section.

(13.) All water rates and rents when collected, less disbursements, by the commissioners shall be paid to the 50 Treasurer of the City of St. Catharines and by him placed to the credit of the Water Works Commission, and the commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations

for the general maintenance, or the management or conduct of the said Water Works, officers and others employed by them, not inconsistent with this Act, and for the collection of said water rents, and water rates, and for fixing the time or times 5 (which shall be quarterly) when, and the places where, the same shall be payable, also for allowing discount for prepayment, and in case of default of payment, to enforce the payment by shutting off the water or by suit at law before,

any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner, or occupant, or any goods or chattels in his or her possession wherever the same may be found within the said city, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant thereof, such distress and sale shall be conducted in

15 the same manner as sales are now conducted for arrears of taxes in said city, and the costs chargeable shall be those payable to bailiffs under the Division Court Act, provided Proviso. that the attempt to collect such rates, or rents, by any process hereinbefore mentioned shall not in any way invalidate the lien

20 upon such premises, and in the event of any such rates or rents remaining uncollected, and unpaid, and continuing a lien upon the premises as herein before provided the amount of such rates or rents in arrears, shall be returned by the commissioners to the treasurer of said city annually, on or before the first day of

25 May in each and every year, and the same together with interest thereon at the rate of ten per centum per annum shall thereupon be collected by such treasurer by the sale of the lands and premises, in the same manner and subject to the same provisions, as in the case of the sale of non-resident lands

30 for arrears of municipal taxes.

5. In order to prevent the waste of water, and settle dis- Commission putes arising therefrom, as to the quantity consumed, the said ers empowered Water Works Commission are empowered to place water to use V Meters. meters upon any service pipe or connection, within or without 35 any house, or building, where water is used, as they may

deem expedient, and for this purpose, and for the purpose of protecting, or of regulating the use of any such meter, to set or alter the position of the same, or of any pipe connection, or tap, and to fix the price to be paid for the use of any such

40 meter, and the times when, and the manner in which, the same shall be payable, and also to charge for and recover the expense of such alterations, and such price, and the expense of such alterations may be collected in the same manner as water rates, and shall be a lien upon the real estate to the same ex-

45 tent, and neither the meter, nor any fittings thereto belonging, shall be subject to, or liable for rent by the possessor, or owner, of any premises wherein the same may be.

6. Any person who shall wilfully alter any meter, placed as Penalty for in the last section mentioned, so as to lessen or alter the altering me-50 amount of water registered thereby, or so as to cause the ters. quantity registered, or used, to be falsely indicated, shall incur a penalty of not less than five dollars, nor more than one hundred dollars, to be recovered with full costs, on summary conviction before any Justice of the Peace having jurisdiction 55 in the locality in which the said offence is committed, and in

case such penalty and costs are not paid forthwith, such Justice of the Peace may commit the offender to the common gaol of the County of Lincoln, for any period not exceeding thirty days, unless the said penalty and costs are sooner paid.

Protection of Commission-

7. The commissioners and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties, as Justices of the Peace now have under the laws of this Province.

1st Reading, 29th January, 1879.

(Reprinted as Amended.)

several Acts relating to the Water Works of said city.

city of St. Catharines and to amend the

th Session, 3rd Parliament, 42 Vic., 1879.

PRIVATE BILL.)

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Brantford Street Railway Company.

THEREAS Alfred Watts, Humphrey Davis, Hugh Mc-Preamble. Kenzie Wilson, Robert Twiss Sutton, Alexander D. Clement, Edward Brophey, Joseph Robinson and Alexander Fair have, by their petition, prayed for an Act of Incorpora-5 tion, under the name of The Brantford Street Railway Company, for the purpose of constructing and operating street railways in the City of Brantford and the Municipality of the Township of Brantford adjacent thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said Alfred Watts, Humphrey Davis, Hugh McKen-Incorporation zie Wilson, Robert Twiss Sutton, Alexander D. Clement, Ed-and corporate 15 ward Brophey, Joseph Robinson and Alexander Fair, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Brantford Street Railway Company."

- 2. The capital of the company shall be fifteen thousand dol- Capital stock. 20 lars, in shares of one hundred dollars each, but the capital stock may be increased by the shareholders as hereinafter provided.
- 3. The said Alfred Watts, Humphrey Davis, Hugh McKen-Provisional zie Wilson, Robert Twiss Sutton, Alexander D. Clement, Ed-directors. 25 ward Brophey, Joseph Robinson and Alexander Fair shall be the provisional directors of said company, to obtain subscriptions for stock and organize said company, and shall hold office until the election of directors as hereinafter provided for.
- 4. So soon as five thousand dollars of the capital stock has Election of 30 been subscribed, and twenty per centum thereon paid up, the directors. shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof, by adver-35 tisement in some newspaper published in the City of Brantford.
 - 5: The board of directors shall consist of seven directors, Constitution has shall be elected at the question to be called as a precided of board of who shall be elected at the meeting to be called, as provided directors. for in the preceding section, each of whom shall be a share-

holder of not less than five hundred dollars; such election and every question to be decided at such meeting shall be by ballot, by a plurality of votes of the stockholders present, in person or represented by written proxy, each share to have one vote; the electors so chosen shall immediately elect one of their own 5 number to be president, and another to be vice-president, which president, vice-president and directors shall continue in office for one year, and until others shall be chosen to fill their places; and if any vacancy shall at any time happen, by death, resignation, or otherwise, during said year, in the office of 10 president, vice-president, or director, the remaining directors shall supply such vacancy for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors, or such other days as may be fixed by by-law, as hereinafter 15 mentioned.

6. So soon as stock to the amount aforesaid shall have been ment of opera-subscribed, and twenty per centum thereof paid up, and the tions.

said board shall have been elected in manner aforesaid, the company may commence operations and exercise the powers 20 hereby granted; but the company shall commence operations within two years from the passing of this Act.

Powers of company.

7. The company are hereby authorized and empowered to construct, maintain, complete, and operate a double or single iron railway, with the necessary side tracks and turnouts, for 25 the passage of cars, carriage and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the Corporation of the City of Brantford, and also of said Municipality of the Township of Brantford, as the company may be authorized to pass along, under and subject 30 to any agreement hereinafter to be made between the council of the said city and of said Municipality of the said Township of Brantford, respectively, and the said company; and under and subject to any by-laws of the said corporation of the said city and Municipality of the Township of Brantford respect- 35 ively, or either of them, made in pursuance thereof; and to take, transport, and carry passengers and freight upon the same, by the force or power of animals, or such other motive power as they may be authorized by the council of the said city and Municipality of the Township of Brantford respect- 40 ively, by by-law, to use; and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

Powers of directors.

8. The directors shall have full power to make all by-laws for the management of the company; the acquirement, man- 45 agement, and disposition of its stock, property and effects, and of its affairs and business; the making and collecting of calls on its stock, and forfeiture thereof for non-payment; the entering into arrangements and contracts with the said city or municipality; the declaration and payment of dividends out of 50 the profits of the said company; the form and issuing of stock certificates, and the transfer of shares; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company; the fares to be received from 55

persons transported over the railway, or any part thereof; and in general to do all things that may be necessary to carry out the objects and exercise any powers incident to the company: Provided always that the faces to be taken by the company 5 shall not exceed for each passenger six cents for any distance up to three miles, and one cent per mile in addition for all distances over three miles up to eight o'clock in the evening, but after that hour the fares can be increased to ten cents for any distance up to three miles and two cents for each additional 10 mile.

- 9. The stock of the company shall be deemed personal as Spok to be tate, and shall be transferrable in such way as the directors person lty. shall by by-law direct.
- 10. The company may purchase, lease, hold, or acquire and Real estate. 15 transfer any real or personal estate necessary for carrying on the operations of the company.
- 11. If the election of directors be not made on the day Default in appointed by this Act, the company shall not for that recent electing direct-be dissolved, but the stockholders may hold the election on any time not to 20 other day, in the manner provided for by any by-law passed quente a dis-for that purpose; and all acts of directors until their successors company, are elected shall be valid and binding upon the company and persons contracting with the company.

12. The company may substitute sleighs or other convey- Sleight and 25 ances for the railway carriages as occasion may require upon other conveythe route of their railway.

13. The fare shall be due and payable by every passenger Face. on entering the car, sleigh, or other conveyance, and any 30 person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car, sleigh, or other conveyance, shall be liable to a fine of not less than five dollars, besides costs, recoverable before any justice of the peace.

14. The directors of the company may from time to time Capital may increase the capital of the said company for such amount or be increased. amounts as occasion may require; and also raise or borrow for the purposes of the company, any sum or sums not exceeding in the whole at any time the actual amount of capital stock 40 bona fide subscribed and paid up, by the issue of bonds or de-

- bentures in sums of not less than one hundred dollars each, and on such terms and credit as they may think proper; and may pledge or mortgage all the property, tolls and income of the company, or any part thereof, for the repayment of the 45 moneys so raised or borrowed, and the interest thereon; and
- such bonds, when issued, shall be a first charge upon the said railway: Provided always that the consent of three-fourths in Provise. value of the stockholders of the company present, or represented by proxy, at said meeting shall be first had and obtained, at a
- 50 special meeting to be called and held for either or both of the purposes aforesaid.
 - 15. The council of the said city and of the said Municipality City and Township of of the Township of Brantford and the said company are restlight in av

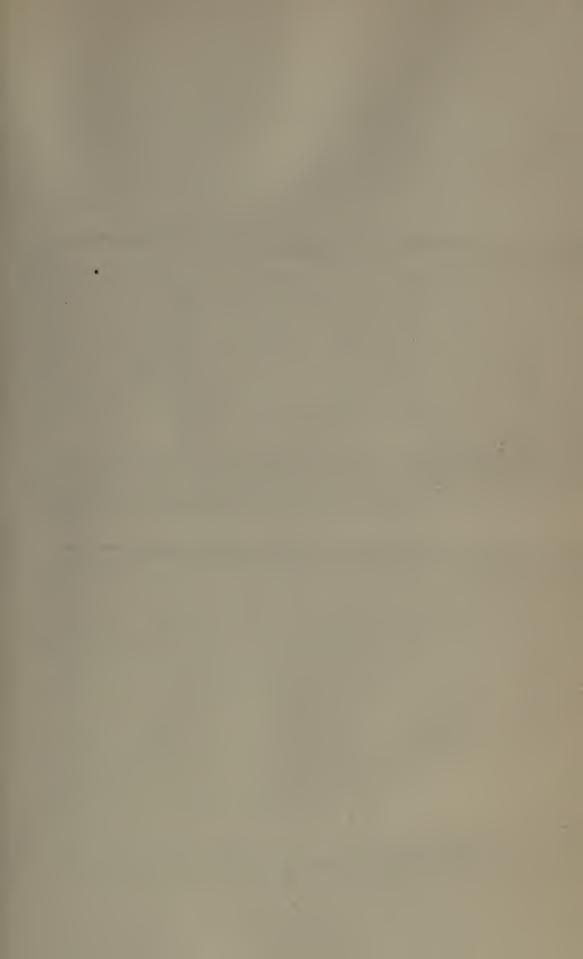
agree as to con- pectively hereby authorized to make and to enter into any struction, etc. agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of rail, the time and speed of running the cars, sleighs or other conveyances; the time within which the works are to be commenced; the manner of proceeding 10 with the same, and the time for completion; and generally for the safety and convenience of passengers; the conduct of the servants and agents of the company; and the non-obstructing or impeding of the ordinary traffic.

City and town-

16. The said city and the said Municipality of the Town-15 ship may pass ship of Brantford are hereby authorized to pass any by-law or by-laws. by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including 20 the company, and for the enjoining obedience thereto; and also for facilitating the running of the company's cars, sleighs, and other conveyances, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

Certain clauses of the Railway Act to apply.

17. The several clauses of the Act of the Legislature of the late Province of Canada, known as "The Railway Act," with respect to the first and third clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "powers," "lands, and their valuation," "general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," except section eighty-four of the said Act (but no other clauses of the Railway Act), shall, in so far only as the same are not inconsistent with or repugnant to 35 any of the provisions of this Act, be incorporated with this Act; and the expressions of this Act, when used herein, shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are inconsistent with or varied by any of the provisions of this Act.



4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to Incorporate "The Brantford Street Railway Company."

1st Reading, 1879.

PRIVATE BILL.

MR. MEREDITH.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Brantford Street Railway Company.

HEREAS Alfred Watts, Humphrey Davis, Hugh Mc-Preamble. Kenzie Wilson, Robert Twiss Sutton, Alexander D. Clement, Edward Brophey, Joseph Robinson and Alexander Fair have, by their petition, prayed for an Act of Incorporation, under the name of The Brantford Street Railway Company, for the purpose of constructing and operating street railways in the City of Brantford and the Municipality of the Township of Brantford adjacent thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said Alfred Watts, Humphrey Davis, Hugh McKen-Incorporation zie Wilson, Robert Twiss Sutton, Alexander D. Clement, Ed- and corporate name. 15 ward Brophey, Joseph Robinson and Alexander Fair, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Brantford Street Railway Company."

- 2. The capital of the company shall be fifteen thousand dol- Capital stock. 20 lars, in shares of one hundred dollars each, but the capital stock may be increased by the shareholders as hereinafter provided.
- 3. The said Alfred Watts, Humphrey Davis, Hugh McKen-Provisional zie Wilson, Robert Twiss Sutton, Alexander D. Clement, Ed-directors. 25 ward Brophey, Joseph Robinson and Alexander Fair shall be the provisional directors of said company, to obtain subscriptions for stock and organize said company, and shall hold office until the election of directors as hereinafter provided for.
- 4. So soon as five thousand dollars of the capital stock has Election of 30 been subscribed, and twenty per centum thereon paid up, the directors. shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof, by adver-35 tisement in some newspaper published in the City of Brantford.
 - 5: The board of directors shall consist of seven directors, Constitution who shall be elected at the meeting to be called, as provided directors. for in the preceding section, each of whom shall be a share-

holder of not less than five hundred dollars; such election and every question to be decided at such meeting shall be by ballot, by a plurality of votes of the stockholders present, in person or represented by written proxy, each share to have one vote; the electors so chosen shall immediately elect one of their own number to be president, and another to be vice-president, which president, vice-president and directors shall continue in office for one year, and until others shall be chosen to fill their places; and if any vacancy shall at any time happen, by death, resignation, or otherwise, during said year, in the office of 10 president, vice-president, or director, the remaining directors shall supply such vacancy for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors, or such other days as may be fixed by by-law, as hereinafter 15 mentioned.

Commence-

6. So soon as stock to the amount aforesaid shall have been ment of opera-subscribed, and twenty per centum thereof paid up, and the tions.

said board shall have been elected in manner aforesaid, the company may commence operations and exercise the powers 20 hereby granted; but the company shall commence operations within two years from the passing of this Act.

Powers of company.

7. The company are hereby authorized and empowered to construct, maintain, complete, and operate a double or single iron railway, with the necessary side tracks and turnouts, for 25 the passage of cars, carriage and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the Corporation of the City of Brantford, and also of said Municipality of the Township of Brantford, as the company may be authorized to pass along, under and subject 30 to any agreement hereinafter to be made between the council of the said city and of said Municipality of the said Township of Brantford, respectively, and the said company; and under and subject to any by-laws of the said corporation of the said city and Municipality of the Township of Brantford respect- 35 ively, or either of them, made in pursuance thereof; and to take, transport, and carry passengers and freight upon the same, by the force or power of animals, or such other motive power as they may be authorized by the council of the said city and Municipality of the Township of Brantford respect- 40 ively, by by-law, to use; and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith, nevertheless no by-law acthorizing or permitting the construction of such railway upon and along Colborne Street, in said City of Brantford, at any place be-45 tween the track of the Great Western Railway Company and the bridge over the Grand River shall have any force or effect until such by-law shall be assented to by at least two-thirds of the rate payers entitled to vote at Municipal Elections on and along the portion of Colborne Street lying between the 50 said two points, who shall vote vpon such by-law. Any such by-law may be submitted to the rate payers entitled to vote thereon in a manner to be prescribed by by-law of the municipality, and such by-law shall provide for giving such public notice thereof as the council may think reasonable, the manner, 55 time and place of voting thereon, and for the appointment of a returning officer, and his duties in the premises.

8. The rails of the Railway shall be laid flush with the Manner of laystreet and highways, and the Railway track shall conform to ing rails. the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways, 5 and the said company shall keep in good repair the portion of the street lying between and for eighteen inches on each side of the rails of said track; and in default of their so doing the said municipalities respectively may cause the same to be done at the expense and proper cost of the company.

9. The directors shall have full power to make all by-laws Powers of for the management of the company; the acquirement, management, and disposition of its stock, property and effects, and of its affairs and business; the making and collecting of calls on its stock, and forfeiture thereof for non-payment; the entering into arrangements and contracts with the said city or 15 municipality; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates, and the transfer of shares; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen 20 and servants of the company; the fares to be received from persons transported over the railway, or any part thereof; and in general to do all things that may be necessary to carry out the objects and exercise any powers incident to the company: Provided always that the fares to be taken by the company 25 shall not exceed for each passenger six cents for any distance up to three miles, and one cent per mile in addition for all distances over three miles up to eight o'clock in the evening, but after that hour the fares can be increased to ten cents for any distance up to three miles and two cents for each additional 30 mile.

- 10. The stock of the company shall be deemed personal es- Stock to be tate, and shall be transferable in such way as the directors personalty. shall by by-law direct.
- 11. The company may purchase, lease, hold, or acquire and Real estate. 35 transfer any real or personal estate necessary for carrying on the operations of the company.
- 12. If the election of directors be not made on the day Default in appointed by this Act, the company shall not for that reason ors at proper be dissolved, but the stockholders may hold the election on any time not to 40 other day, in the manner provided for by any by-law passed operate a dissolution of for that purpose; and all acts of directors until their successors on pany.

 are elected shall be valid and binding upon the company and persons contracting with the company.

13. The company may substitute sleighs or other convey- Sleighs and 45 ances for the railway carriages as occasion may require upon other conveythe route of their railway.

14. The fare shall be due and payable by every passenger Fires. on entering the car, sleigh, or other conveyance, and any person refusing to pay the fare when demanded by the con-50 ductor or driver, and refusing to quit the car, sleigh, or other conveyance, shall be liable to a fine of not more than ten dollars, besides costs, recoverable before any justice of the peace.

Capital may be increased.

15. The directors of the company may from time to time increase the capital of the said company for such amount or amounts as occasion may require; and also raise or borrow for the purposes of the company, any sum or sums not exceeding in the whole at any time the actual amount of capital stock 5 bona fide subscribed and paid up, by the issue of bonds or debentures in sums of not less than one hundred dollars each, and on such terms and credit as they may think proper; and may pledge or mortgage all the property, tolls and income of the company, or any part thereof, for the repayment of the 10 moneys so raised or borrowed, and the interest thereon; and such bonds, when issued, shall be a first charge upon the said railway: Provided always that the consent of three-fourths in value of the stockholders of the company present, or represented by proxy, at said meeting shall be first had and obtained, at a 15 special meeting to be called and held for either or both of the purposes aforesaid.

Proviso.

City and Township of Brantford may

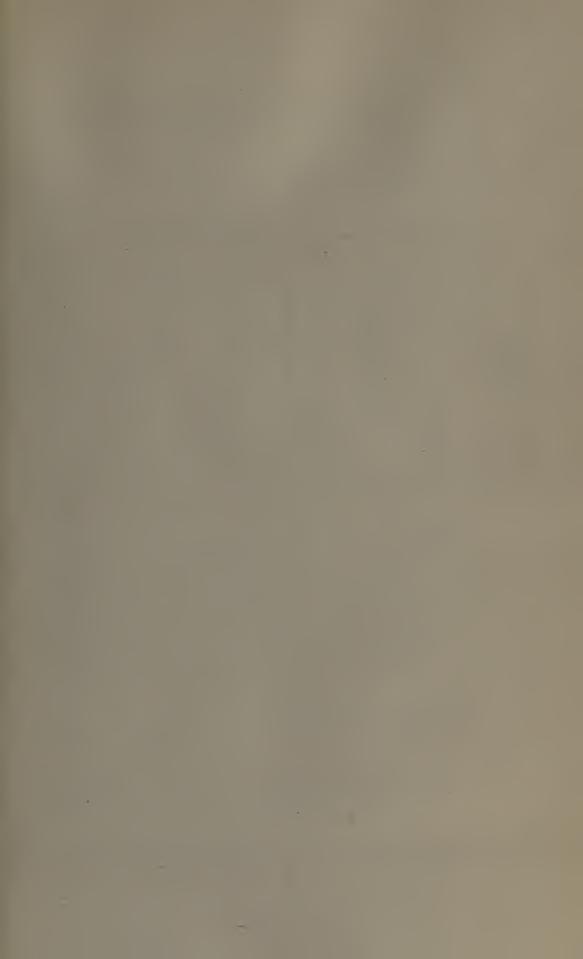
.16 The council of the said city and of the said Municipality of the Township of Brantford and the said company are resagree as to con- pectively hereby authorized to make and to enter into any 20 struction, etc. agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways; the location of 25 the railway and the particular streets along which the same shall be laid; the pattern of rail, the time and speed of running the cars, sleighs or other conveyances; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion; and generally for 30 the safety and convenience of passengers; the conduct of the servants and agents of the company; and the non-obstructing or impeding of the ordinary traffic.

City and town-

17. The said city and the said Municipality of the Township may pass ship of Brantford are hereby authorized to pass any by-law or 35 by-laws. by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the company, and for the enjoining obedience thereto; and also 40 for facilitating the running of the company's cars, sleighs, and other conveyances, and for regulating the traffic and conduce of all persons travelling upon the streets and highways through which the said railway may pass.

Certain clauses of the Railway Act to apply.

18. The several clauses of the Act known as the Railway Act 45 of Ontario with respect to "interpretation," "incorporation," general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity and fines and penal ties, and their prosecution," (but no other clauses of the said Act), shall, in so far only as the same are not inconsistent with 50 or repugnant to any of the provisions of this Act, be incorporated with this Act; and the expressions of this Act, when used herein, shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are inconsistent with or varied by any of the provisions of this 55 Act.



4th Session, 3rd Parliament, 42 Vic., 1879.

An Act to incorporate The Brantford Street Railway Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

MR. MEREDITH.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

the Grand Junction Railway An Act respecting Company.

THEREAS the Corporation of the City of Belleville Preamble. passed a by-law on the eleventh day of December, one thousand eight hundred and seventy-six, granting further aid by way of bonus to the extent of fifty thousand dollars to 5 the Grand Junction Railway Company, on the conditions in the said by-law contained; and whereas the said corporation have, by a resolution passed on the fourth day of October, one thousand eight hundred and seventy-eight, extended the time for the fulfilment of the said conditions, and have otherwise 10 varied the same; and whereas the said company have, by their petition, prayed that the said resolution may be sanctioned and legalized, and that other amendments in the Acts relating to the said company may be made: and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said bonus of fifty thousand dollars granted to the Payment of said railway company by the Corporation of the City of Belleville 20 Belleville shall be payable as follows: one half thereof on the bonus. completion of the line of the said railway to the water's edge at the Village of Hastings, and its equipment to that village in the manner and style provided for in the said by-law for the equipment of the said railway to the Town of Peterborough, 25 and the other half of the said bonus upon the completion and equipment of the line to the Town of Peterborough, provided Proviso. always that the said railway shall be completed to the Village of Hastings in the manner aforesaid by the first day of August, one thousand eight hundred and seventy-nine.

- 2. The time for the completion of the said railway to the Time provided Town of Peterborough as provided for by the said by-law, is in by-law hereby extended to the first day of January, one thousand extended. eight hundred and eighty.
- 3. The Corporation of the City of Belleville may, by resolu- Power further 35 tion to be passed by the council thereof, extend the time for to extend completion of the said railway to Hastings and Peterborough to such later date or dates as may be thought proper.
 - 4. The said by-law subject to the alterations herein provided By-law confor is hereby declared legal and valid.

Power to amalgamate with or acquire other

5. The said railway company is hereby authorized and empowered to enter into an agreement for the amalgamation of the said company with the Belleville and North Hastings Railway Company, or for acquiring the line of railway or any part thereof of the said last mentioned company, or of any other railway company whose line may join or connect with the line of the said Grand Junction Railway Company, together with the property, privileges and franchises of such other company belonging to such part of its line as may be so acquired, on such terms and conditions as may be defined by the agreement 10 under the seal of the said companies entering into such agreement, which shall be ratified and approved of by a majority of the stockholders present or represented at a general meeting called for the purpose of considering such agreement, which shall be valid and binding on the several companies entering 15 into the same after such ratification and approval.

Sec. 5 of 39 Vic., chap. 71 amended.

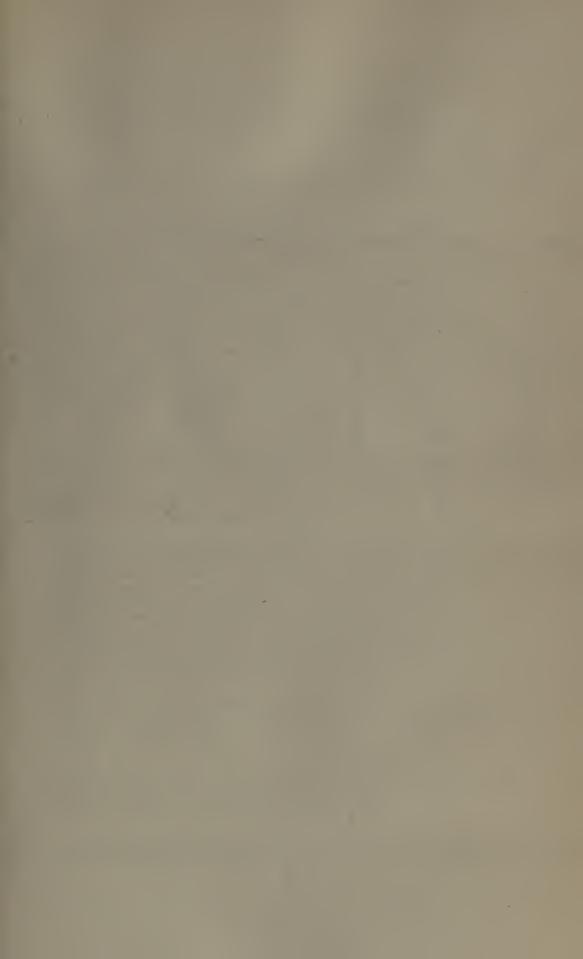
6. The time named in section five of the Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered seventy-one, for the completion of the said line of railway to the Village of Campbellford, is hereby extended to the first day of 20 August, one thousand eight hundred and seventy-nine, and the said section is hereby amended by substituting the last mentioned date for the time of eighteen months from the passing of the said Act, and, subject to such amendment, the provisions of the said section are hereby declared valid and binding.

Certain bonuses may completed to Hastings.

7. The Corporations of the Village of Hastings and of the Townships of Percy and Asphodel are hereby authorized and be made pay-able when line empowered by resolutions to be passed by the respective councils of the said corporations to make the several bonuses, granted by them respectively to the said railway company, 30 payable when the said line is completed and in running order to the Village of Hastings.

Certain bonuses declared legal.

8. And whereas the several municipalities hereinafter mentioned have granted bonuses to the said line as follows (viz.): the County of Peterborough seventy-five thousand dollars, the 35 County of Hastings fifty thousand dollars, the City of Belleville fifty thousand dollars, the Township of Seymour thirtyfive thousand dollars, the Township of Stirling ten thousand dollars, the Township of Rawdon ten thousand dollars, the Township of Percy five thousand dollars, the Township of 40 Hastings five thousand dollars, the Township of Asphodel three thousand dollars, It is hereby declared that the abovenamed bonuses are and shall be legal and binding on the said municipalities respectively.



4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting the Grand Junction Railway Company.

1st Reading. 1879.

PRIVATE BILL.

Mr. Boulter.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Grand Junction Railway Company.

THÉREAS the Corporation of the City of Belleville Preamble. passed a by-law on the eleventh day of December, one thousand eight hundred and seventy-six, granting further aid by way of bonus to the extent of fifty thousand dollars to 5 the Grand Junction Railway Company, on the conditions in the said by-law contained; and whereas the said corporation have, by a resolution passed on the fourth day of October, one thousand eight hundred and seventy-eight, extended the time for the fulfilment of the said conditions, and have otherwise 10 varied the same; and whereas the said company have, by their petition, prayed that the said resolution may be sanctioned and legalized, and that other amendments in the Acts relating to the said company may be made: and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said bonus of fifty thousand dollars granted to the Payment of said railway company by the Corporation of the City of Belleville 20 Belleville shall be payable as follows: one half thereof on the bonus. completion of the line of the said railway to the water's edge at the Village of Hastings, and its equipment to that village in the manner and style provided for in the said by-law for the equipment of the said railway to the Town of Peterborough, 25 and the other half of the said bonus upon the completion and equipment of the line to the Town of Peterborough, provided Proviso. always that the said railway shall be completed to the Village of Hastings in the manner aforesaid by the first day of August, one thousand eight hundred and seventy-nine.

- 2. The time for the completion of the said railway to the Time provided Town of Peterborough as provided for by the said by-law, is in by-law hereby extended to the first day of January, one thousand extended. eight hundred and eighty.
- 3. The Corporation of the City of Belleville may, by by-law Power further 35 to be passed by the council thereof, extend the time for to extend completion of the said railway to Hastings and Peterborough time. to such later date or dates as may be thought proper.
 - 4. The said by-law subject to the alterations herein provided By-law confor is hereby declared legal and valid.

Power to amalgamate with or ac-quire other lines.

5. The said railway company is hereby authorized and empowered to enter into an agreement for the amalgamation of the said company with the Belleville and North Hastings Railway Company, or for acquiring the line of railway or any part thereof of the said last mentioned company, or of any other railway company whose line may join or connect with the line of
the said Grand Junction Railway Company, together with property, privileges and franchises of such other company belonging to such part of its line as may be so acquired, on such terms and conditions as may be defined by the agreement 10 under the seal of the said companies entering into such agreement, which shall be ratified and approved of by a majority in number and value of the stockholders including any municipalities holding stock present or represented at a general meeting called for the purpose of considering such agreement, which 15 shall be valid and binding on the several companies entering into the same after such ratification and approval.

Certain benuses may be made pay-able when line completed to Hastings.

6. The Corporations of the Village of Hastings and of the Townships of Percy and Asphodel are here by authorized and empowered by resolutions heretofore passed or to be passed by 20 the respective councils of the said corporations to make the several bonuses, granted by them respectively to the said railway company, payable when the said line is completed and in running order to the Village of Hastings.

PRIVATE BILL.)

MR. BOULTER.

lst Reading, 30th January, 1879.

Re-printed as amended.)

An Act respesting the Grand Junction Ra

way Company.

th Session, 3rd Parliament, 42 Vic., 187

CORONTO:

An Act respecting the Water Works of the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa have Preamble. petitioned that the Waterworks and Fire Alarm Telegraph of the said city may be vested in the said corporation; and whereas it is expedient to grant the prayer of the said 5 petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. All and singular the powers, privileges and authorities by Power of Water Works 10 the Act of the Legislature of the Province of Ontario, passed Commissionin the thirty-fifth year of Her Majesty's reign, chaptered eighty, ers transferred and intituled "An Act for the Construction of Waterworks to Corporation." for the City of Ottawa," and another Act to amend the same, passed in the thirty-sixth year of Her Majesty's reign, chap-

15 tered one hundred and four, and intituled "An Act to Amend the Act for the Construction of Water Works for the City of ' and also another Act passed to amend the first men-

Ottawa, and also another Act passed to amend the first mentioned Act, passed in the thirty-seventh year of Her Majesty's reign, chaptered seventy-six, intituled "An Act to enable the 20 Corporation of the City of Ottawa to issue debentures for a further sum of money to complete the construction of Water Works in the City of Ottawa," and by another Act to amend said first mentioned Act, passed in the fortieth year of Her Majesty's reign, intituled "An Act to Amend the Water Complexity of Ottawa," or either of them conferred, given and granted to the Water Complexity for the City of

given and granted to the Water Commissioners for the City of Ottawa, shall, save only as they may be varied by this Act, from and after the passing hereof, be conferred upon, vest in, and be exercised by the Corporation of the City of Ottawa, which, 30 through its council, shall in all respects and in every particular

occupy the place and position of the said Water Commissioners for the City of Ottawa, and be liable for their engagements and contracts, and be entitled to the benefit of all contracts, engagements, and securities entered into with the said Water Commis-

35 sioners for the City of Ottawa, and be entitled to sue thereon in the corporate name of the said City, and all properties, real or personal, before taken or held by, or for the benefit of, the said Water Commissioners for the City of Ottawa, whether for the

purposes of said Water Works, or of said Fire Alarm Telegraph 40 or otherwise howsoever, shall, from the passing of this Act, vest absolutely in the Corporation of the City of Ottawa, and all and singular the enactments in relation to the said Water Works and Fire Alarm Telegraph, and the management thereof in the said Acts or either of them contained, the penalties thereby imposed, and the powers thereby granted to Justices

Proviso.

of the Peace, the powers to pass all necessary by-laws, rules and regulations, and to enforce the same, are hereby re-enacted as fully as if the same had been repeated herein, save only as they are modified or altered by this Act: Provided also that the words "The Corporation of the City of Ottawa" shall be substituted for the words "Water Commissioners for the City of Ottawa," and for the words "Water Commissioners," and also the word "a Commissioner," wherever the said words or word or any of them occur in the Acts hereinbefore referred to or any of them.

Powers of Corporation.

2. The Corporation of the City of Ottawa shall, through its council, have full power and authority to exercise all and singular the powers, privileges and authorities, and subject to all the duties and obligations imposed upon the said Water Commissioners for the City of Ottawa, and in addition thereto 15 shall have the power to extend, enlarge and alter said Water Works and the said Fire Alarm Telegraph as fully and to the same extent as the said Water Commissioners for the City of Ottawa might, or could do if this Act had not been passed, and all the powers, privileges and immunities granted by the said 20 recited Acts, or any of them, to the agents, officers, watchmen or workmen of the said Water Commissioners, are hereby granted and continued to the agents, officers, watchmen and workmen of the Corporation of the City of Ottawa that may hereafter be employed by the said Corporation on or about 25 the said Water Works, or on or about the said Fire Alarm Telegraph.

Appointment of Water Works Committee.

33. The Council of the Corporation of the City of Ottawa shall immediately after the passing of this Act, and on the third Monday in the month of January in each and every year 30 thereafter, or as soon thereafter as possible, by resolution appoint for the then current year a committee of five aldermen, one from each of the five wards of the said city, which said committee shall be called "The Water Works Committee," and which shall attend to and discharge, subject to the approval 35 and according to the directions of the said council, all the duties hitherto required by the said Acts, or any of them, to be attended to or discharged by the Water Commissioners in said Acts mentioned, and in case of any vacancy or vacancies from time to time occurring in said Committee, the same shall 40 be immediately filled up by the said Council from the Aldermen of the ward or wards not then represented in said Committee.

Filling of vacancies.

4. There shall be no remission or reduction of water rates made or ordered by the said council or the said committee.

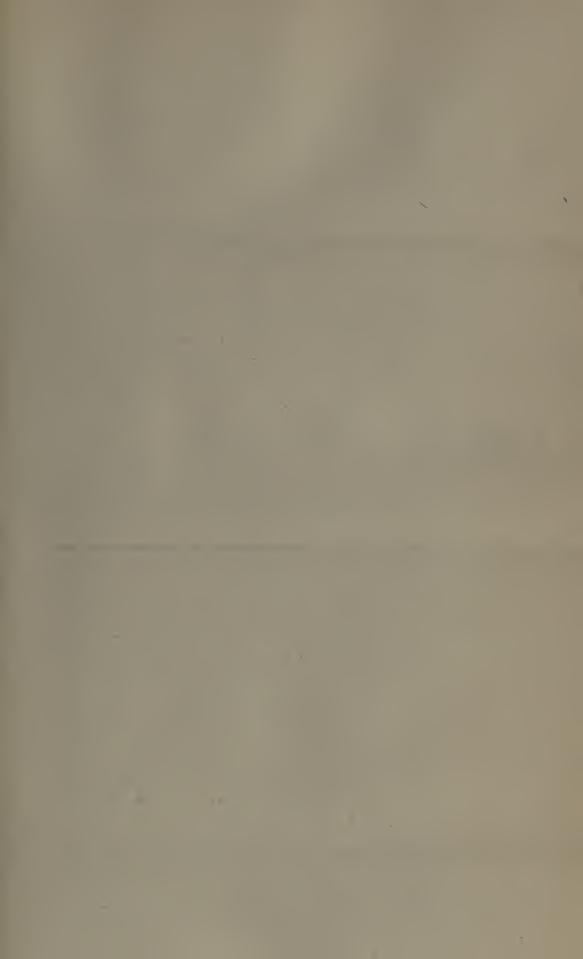
or remission in water rates. Previous lia-

No reduction

5. Nothing herein contained shall affect, annul or make void any matter or thing done or agreed to be done, or any obligation or liability incurred or agreed to be incurred under the said Acts or either of them.

bilities not annulled.

- Taking water not to disqualify for the council.
 - 6. No person shall be held to be disqualified from being 50 elected or sitting as a member of the Council of the Corporation of the City of Ottawa, by reason of his taking or using the water supplied by the said Water Works, or by reason of his having any contract with the Corporation of the City of Ottawa in respect of such taking or using.



RILL

An Act respecting the Water Works of City of Ottawa.

1st Reading, 1879.

(PRIVATE BILL.)

Mr. O'Donoghue

An Act respecting the Water Works of the City of Ottawa.

THEREAS the Corporation of the City of Ottawa have Preamble. petitioned that all the powers, privileges and authorities conferred upon or given or granted to the Board of Water Commissioners of the said city may be vested in the said cor-5 poration of the City of Ottawa; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows.

1. All and singular the powers, privileges and authorities by Power of the Act of the Legislature of the Province of Ontario, passed Water Works in the thirty-fifth year of Her Majesty's reign, chaptered eighty, ers transferred and intituled "An Act for the Construction of Waterworks to Corporation the City of Ottawa," and another Act to amend the same,

15 passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and four, and intituled "An Act to Amend the Act for the Construction of Water Works for the City of Ottawa," and also another Act passed to amend the first mentioned Act, passed in the thirty-seventh year of Her Majesty's

20 reign, chaptered seventy-six, intituled "An Act to enable the Corporation of the City of Ottawa to issue debentures for a further sum of money to complete the construction of Water Works in the City of Ottawa," and by another Act to amend

said first mentioned Act, passed in the fortieth year of Her 25 Majesty's reign, intituled "An Act to Amend the Water Works Act of the City of Ottawa," or either of them conferred, given and granted to the Water Commissioners for the City of Ottawa, shall, save only as they may be varied by this Act, from and after the passing hereof, be conferred upon, vest in, and be

30 exercised by the Corporation of the City of Ottawa, which, through its council, shall in all respects and in every particular occupy the place and position of the said Water Commissioners for the City of Ottawa, and be liable for their engagements and contracts, and be entitled to the benefit of all contracts, engage-

35 ments, and securities entered into with the said Water Commissioners for the City of Ottawa, and be entitled to sue thereon in the corporate name of the said City, and all properties, real or personal, before taken or held by, or for the benefit of, the said Water Commissioners for the City of Ottawa, whether for the

40 purposes of said Water Works, or of Fire Alarm Telegraph or otherwise howsoever, shall, from the passing of this Act, vest absolutely in the Corporation of the City of Ottawa, and all and singular the enactments in relation to the said Water Works and Fire Alarm Telegraph, and the management thereof

45 in the said Acts or either of them contained, the penalties thereby imposed, and the powers thereby granted to Justices Proviso.

of the Peace, the powers to pass all necessary by-laws, rules and regulations, and to enforce the same, are hereby re-enacted as fully as if the same had been repeated herein, save only as they are modified or altered by this Act: Provided also that the words "The Corporation of the City of Ottawa" shall be substituted for the words "Water Commissioners for the City of Ottawa," and for the words "Water Commissioners," and also the word "a Commissioner," wherever the said words or word or any of them occur in the Acts hereinbefore referred to or any of them; Provided always however that all such pro-10 perties real or personal and all revenues hereby vested in or transferred to the said corporation of the said City of Ottawa shall remain and continue subject to all lawful liens, charges, and incumbrances now existing thereon.

Powers of Corporation.

2. The Corporation of the City of Ottawa shall, through its 15 council, have full power and authority to exercise all and singugular the said powers, privileges and authorities, but subject to all the duties and obligations imposed upon the said Water Commissioners for the City of Ottawa, and in addition thereto shall have the power to extend, enlarge and alter said Water 20 Works and the said Fire Alarm Telegraph as fully and to the same extent as the said Water Commissioners for the City of Ottawa might, or could do if this Act had not been passed, and all the powers, privileges and immunities granted by the said recited Acts, or any of them, to the agents, officers, watchmen 25 or workmen of the said Water Commissioners, are hereby granted and continued to the agents, officers, watchmen and workmen of the Corporation of the City of Ottawa that may hereafter be employed by the said Corporation on or about the said Water Works, or on or about the said Fire Alarm 30 Telegraph.

Appointment of Water Works Committee.

3. The Council of the Corporation of the City of Ottawa shall immediately after the passing of this Act, and on the third Monday in the month of January in each and every year thereafter, or as soon thereafter as possible, by resolution ap- 35 point for the then current year a committee of aldermen, composed of one from each of the wards of the said city, which said committee shall be called "The Water Works Committee," and which shall attend to and discharge, subject to the approval and according to the directions of the said council, all the 40 duties hitherto required by the said Acts, or any of them, to be attended to or discharged by the Water Commissioners in said Acts mentioned, and in case of any vacancy or vacancies from time to time occurring in said Committee, the same shall be immediately filled up by the said Council from the Alder- 45 men of the ward or wards not then represented in said Committee.

Filling of vacancies.

- No reduction or remission in water rates.
 - 4. There shall be no special exemption, remission or reduction of water rates made or ordered by the said council or the said committee.

Previous liabilities not annulled.

5. Nothing herein contained shall affect, annul or make void any matter or thing done or agreed to be done, or any obligation or liability incurred or agreed to be incurred under the said Acts or either of them.

6. No person shall be held to be disqualified from being Taking water elected or sitting as a member of the Council of the Corporatify for the tion of the City of Ottawa, by reason of his taking or using council, the water supplied by the said Water Works, or by reason of his having any contract with the Corporation of the City of Ottawa in respect of such taking or using.

of the taking or using of the water supplied by said water works remaining uncollected and unpaid, the same shall be a 10 lien upon the premises in respect of which the said water has been and is supplied and the amount of such rates or rents in arrear shall be returned by the chairman of the said committee to the treasurer of the said city annually, on or before the first day of May in each and every year, and the same together with 15 interest thereon at the rate of ten per centum per annum shall thereupon be collected by such treasurer by the sale of the lands and premises, in the same manner and subject to the same provisions, as in the case of the sale of non-resident lands for arrears of municipal taxes.

20 S. This Act shall come into force and effect on and Time Act to after the first day of May next, after the passing thereof.

OT ONT

BILL.

An Act respecting the Water Works of the City of Ottawa.

1st Reading, 30th January, 1879.

(PRIVATE BILL.)

Mr. O'Donoghue.

TORONTO:

An Act respecting the Yorkville Loop Line Railway Company.

HEREAS the Yorkville Loop Line Railway Company Preamble. have petitioned that an Act may be passed to amend the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered seventy-seven; and whereas it is expedient to 5 grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

1. The twenty-second section of the said Act is repealed.

36 Vict. c. 77, Sec. 22 repealed.

2. Section fourteen of the said Act is hereby amended by 36 Vic. c. 77, striking out the word "five," and by inserting in lieu thereof Sec. 14 the words "not less than five, nor more than eight."

3. The company from time to time, by by-law passed by a Board of vote of two thirds of the shareholders present and voting at a directors may 15 special general meeting of shareholders called for that purpose powers to as aforesaid, may give any special directions with regard to the some of their number. conduct of the business of the company by the board of directors, and may give the board of directors power to authorize any one or more of their number to perform any duties which 20 the board of directors may perform, and any acts done by such director or directors so authorized shall be as binding and effectual to all intents and purposes as if such acts were the acts of the board of directors, and, for the purpose of facilitating the transaction of business, the company may have and 25 use a duplicate seal in this Province and in the United Kingdom of Great Britain and Ireland, and any instrument purpor-

ting to be executed under the seal of the company in the manner provided by by-law for the execution of instruments shall be binding on and effectual against the company to all

30 intents and purposes.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecing the Yorkville Loop Line Railway Company.

1st Reading.

1879.

PRIVATE BILL.

MR. LAUDER.

TORONTO:

An Act respecting the Yorkville Loop Line Railway Company.

HEREAS the Yorkville Loop Line Railway Company Preamble. have petitioned that an Act may be passed to amend the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered seventy-seven; and whereas it is expedient to 5 grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :---

1. The twenty-second section of the said Act is repealed.

Sec. 22 of 36 Vict. c. 77,

- 2. Section fourteen of the said Act is hereby amended by Sec. 14 striking out the word "five," and by inserting in lieu thereof amended. the words "not less than five, nor more than eight."
- 3. It shall be lawful for the directors of the said com- Appointment pany from time to time to appoint such and so many agent or of agents and 15 agents in this Province or in any other part of Her Majesty's powers by dominions as to them shall seem expedient, and may by any directors. by-law to be made for such purpose empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the directors themselves or 20 any of them may lawfully do, perform and exercise except the power of making by-laws, and all things done by such agent or agents, by virtue of the powers in him or them vested by any such by-law, shall be as valid and effectual to all intents and purposes as if done by such directors themselves; and 25 any director or directors of the said company may be appointed such agent or agents.

4. It shall be lawful for the said company to have and Duplicate keep a duplicate seal for the transaction of such of their busi- Seal ness in the United Kingdom of Great Britain and Ireland as 30 the board of directors of the said company may from time to time designate, and the said seal may be used and affixed in all such cases by such officer or officers, agent or agents as the said directors may by by-law from time to time direct, and any instrument to which the said duplicate seal shall be so affixed, 35 shall be valid and binding upon the said company.

4th Session, 3rd Parliament, 42 Vic., 1879.

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An Act respecting the Yorkville Loop Line Railway Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

PRIVATE BILL.

MR. LAUDER.

TORONTO:

An Act to legalize certain tax sales in the County of Renfrew.

7 HEREAS the Corporation of the County of Renfrew Preamble. N have, by their petition, set forth that the County of Renfrew was separated from the County of Lanark in the year of our Lord one thousand eight hundred and sixty-six for judicial 5 and municipal purposes, and that one Andrew Irving, of the Town of Pembroke, was appointed Treasurer of the said County of Renfrew, and that the said Andrew Irving acted as and continued to be such treasurer from the time of his appointment in the month of January, one thousand eight hundred and 10 sixty-seven, until the month of October, one thousand eight hundred and seventy-six, when he was removed from said office; and that during the time the said Andrew Irving was treasurer of said county, lands in said county were sold for taxes in the years one thousand eight hundred and sixty-eight, one 15 thousand eight hundred and seventy, one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-six, and that since the removal of the said Andrew Irving from the office of county treasurer, it has been discovered that various irregularities, omissions and defects have occurred 20 in his management of the said office of county treasurer, and particularly in regard to sales of land for taxes; the Assessment Act not having been strictly complied with, and in some instances the warrants for the sale of the lands and the lists attached thereto being lost; and that in consequence of 25 such irregularities, omissions and defects doubts have arisen as to the validity of such sales, and that various persons purchased lands at such tax sales, and after the time for redeeming the same had expired received deeds therefor; and that some of the purchasers at such sales assigned their certificates of sale to 30 others before having received the deeds, and that the latter reeeived the deeds in their own names; and that in many instances the parties who purchased at such tax sales have assigned the same for valuable consideration to others who have entered into possession of said lands and made improvements 35 thereon, and have since their occupation paid taxes thereon; and the said the Corporation of the County of Renfrew have prayed that an Act may be passed to legalize, confirm and make valid all sales for taxes and all assignments and transfers thereof, and all assignments or transfers of the certificates of sale 40 by purchasers at such tax sales before receiving the deeds, had made or done in the County of Renfrew from the time of its separation from the County of Lanark up to and inclusive of the sale of lands for taxes in the year one thousand eight hundred and seventy-six; and whereas it is desirable and expedient

to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Sales for taxes made valid.

1. All sales of lands for taxes and all transfers and deeds thereof made in pursuance of such sales for taxes, and all assignments of the certificates of such sales by the purchasers before having received the deeds therefor made, had or done in the county of Renfrew from the time of the separation of said 10 county from the County of Lanark up to and inclusive of the the sale for taxes in the year of our Lord one thousand eight hundred and seventy-six, are hereby declared legal and valid to all intents and purposes whatsoever, not with standing any irregularities, omissions or defects whatsoever as regards the assessment 15 or sale or the preliminary or subsequent steps required to make such sales effectual in law: Provided always that nothing herein contained shall be held to legalize and make valid any sales if the taxes for non-payment whereof the lands were sold had been fully paid before the sale; and provided further that 20 nothing herein contained shall be held to affect any action or suit heretofore brought in any Court of Law or Equity or make valid any deed the validity of which is or has been questioned in any such action or suit.

Proviso.

PRINTED BY HUNTER, ROSE & Co TORONTO:

MR. DEACON

		
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BILL.	
II.	

An Act to legalize Certain tax

sales

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Jounty of Renfrew.

Session,

3rd

Parliament,

42

Vic.,

5

An Act respecting the Brockville Mutual Building Society.

HEREAS the Brockville Mutual Building Society is a Preamble. body corporate and politic, and is a corporation carrying on business as a building society, for raising, by monthly subscriptions of the several members, in shares not exceeding 5 two hundred dollars, a stock or fund, to enable each member to receive out of the funds of the society the amount or value of his shares for the purposes mentioned in section two of chapter one hundred and eighty-four of the Revised Statutes of Ontario, under which latter section the said 10 society was established; and whereas the said society is one called a terminating building society, and according to the Act under which the same was formed, the said society has only power to lend to members; and whereas the said society is desirous of having power to lend the money to non-members; 15 and whereas it is expedient to grant the power asked for;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said The Brockville Mutual Building Society may Lending 20 lend money, in conformity with the laws of Canada, and with powers the laws authorizing the establishment of Building Societies extended. in Ontario, and the by-laws of such society, to any person or persons, or body corporate, at such lawful rates of interest as may be agreed upon, without requiring any of such bor-25 rowers to become subscribers to the stock or members of the said society; but all borrowers from said society shall be subject to all such rules as are in force at the time of their becoming borrowers, but not to any other rules.

2. The principal money so advanced on mortgages may be Society may 30 repaid within such time as the Society directs and appoints, regulate pay and as is specified in the mortgage, or assignment of mortgage, to cipal, &c. be made of such real estate, and by means of such revenues, rates, fines, rents, tolls or profits as hereinafter mentioned, and the society may do all acts that may be necessary for advan-35 cing money and for recovering and obtaining repayment there-

of, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same,

40 and do, authorize, and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

By-laws respecting non-members.

3. The said society shall have power to pass by-laws and rules respecting those who are borrowers and non-members.

Existing bylaws to be in force. 4. The by-laws and rules of said society now existing and in force shall, so far as applicable, apply to such person or persons as may hereafter become borrowers of money from said society, who may not be members.

BILL.

Session, 3rd Parliament,

42 Vic., 1879.

An Act respecting the Brockville Mutual Building Society.

PRIVATE BILL.

1st Reading.

1879.

Mr. Cole.

TORONTO:

An Act respecting the Brockville Mutual Building Society.

THEREAS the Brockville Mutual Building Society is a Preamble. body corporate and politic, and is a corporation carrying on business as a building society, for raising, by monthly subscriptions of the several members, in shares not exceeding 5 two hundred dollars, a stock or fund, to enable each member to receive out of the funds of the society the amount or value of his shares for the purposes mentioned in section two of chapter one hundred and sixty-four of the Revised Statutes of Ontario; and whereas the said society is one 10 called a terminating building society, and according to the Act under which the same was formed, the said society has only power to lend to members; and whereas the said society is desirous of having power to lend the money to non-members; and whereas it is expedient to grant the power asked for;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said The Brockville Mutual Building Society may Lending lend money, in conformity with the laws of Canada, and with powers 20 the laws authorizing the establishment of Building Societies in Ontario, and the by-laws of such society, to any person or persons, or body corporate, at such lawful rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the 25 said society; but all borrowers from said society shall be subject to all such rules as are in force at the time of their becoming borrowers, but not to any other rules.

2. Any principal money so advanced on mortgages may be Society may repaid within such time as the Society directs and appoints, regulate pay-30 and as is specified in the mortgage, or assignment of mortgage, to cipal, &c. be made in respect thereof, and by means of such revenues, rates, fines, rents, or profits as in that behalf are specified and agreed upon, and the society may do all lawful acts that may be necessary for advancing money and for recovering and ob-35 taining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize, and exercise all acts 40 and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

3. The said society shall have power to pass by-laws and rules respecting those who are borrowers and non-members.

Existing by-laws to be in force.

4. The by-laws and rules of said society now existing and in force shall, so far as applicable, apply to such person or persons as may hereafter become borrowers of money from 5 said society, who may not be members.

(PRIVATE BILL.)

1st Reading, 28th January, 1879.

Mr. Cole.

An Act respecting the Brockville Mutual Building Society.

(Reprinted as Amended.)

th Session, 3rd Parliament, 42 Vic., 1879

No. 16.

PRINTED BY HUNTER, ROSE & Co.

TORONTO:

An Act respecting certain dams on Beaver Creek and other streams in the Counties of Hastings and Addington.

THEREAS, by the petitions of Allan Gilmour and of H.B. Preamble. Rathbun and Edward W. Rathbun, under the name, style, and firm of H. B. Rathbun and Son, the said Allan Gilmour has represented that he is the owner of lot number ten, in the 5 sixth concession of the Township of Anglesea, in the County of Addington; also lot nine in the sixteenth concession of said Township of Anglesea; also lot ten in the fourteenth concession of the said Township of Anglesea; also lot nine in the second concession of the Township of Limerick, in the County of 10 Hastings; also east half of lot number fifteen, in the tenth concession of the Township of Lake, in the County of Hastings; also lot number thirty-two, in the seventeenth concession of the Township of Anglesea aforesaid; and whereas, by the said petition, the said firm of H. B. Rathbun and Son have repre-15 sented that they are the owners of lot number twenty-nine, in the eighth concession of the said Township of Anglesea, and of that part of lot number seventy, on the east side of the Hastings Road, in the Township of Tudor, in the said County of Hastings, covered and affected by the dam thereon con-20 structed, and known as Telly's Dam; that, for the purpose of floating logs and timber down the rivers and waters above mentioned, and their branches, which respectively pass over the said lands to the mills of the said Allan Gilmour, in the Village of Trenton, in the County of Hastings, and to the mills belonging 25 to the said firm of H. B. Rathbun and Son, in the Village of Mill Point, in the said County of Hastings, from their several limits and lands in Ontario, they, the said Allan Gilmour and the said Rathbun and Son, have been obliged to erect and maintain, upon their said lands and on the lands aforesaid, 30 across the said streams and waters, certain dams, which have facilitated, and do facilitate, their getting their logs down the said streams and waters, saving great expense, and also making said streams and waters more navigable for logs and timber than they otherwise would have been; and whereas the said 35 Allan Gilmour and the said Rathbun and Son have, in their petition, prayed that they may be authorized to keep and maintain the said dams for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent

40 of the Legislative Assembly of the Province of Ontario, enacts as follows.

A. Gilmour to to maintain dams.

1. The said Allan Gilmour, his heirs and assigns, the have the right owners of the said lots respectively above mentioned, namely, lot number ten, in the sixth concession of the Township of Anglesea, in the County of Addington; of lot number nine in the sixteenth concession of the said Township of Anglesea; also of lot ten in the fourteenth concession of the said Township of Anglesca; also of lot number nine in the second concession of the Township of Limerick, in the County of Hastings; also of the east half of lot number fifteen in the tenth concession of the Township of Lake, in the County of Hastings; and 10 also lot number thirty-two in the seventeenth concession of the Township of Anglesea aforesaid, shall have the right to keep and maintain the said dams on the said lots respectively, situate across the said streams, for the purpose of raising and keeping up the waters of the said streams: Provided also that 15 each of the said dams shall be provided with a slide, and the appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber.

Proviso.

H. B. Rathbun maintain dams

2. The said H. B. Rathbun and Son, their heirs, execu-& Son to have tors, and assigns, the owners of the said lots respectively above 20 the right to mentioned, namely, lot number twenty-nine in the eighth concession of the said Township of Anglesea, and of that part of lot number seventy, on the east side of the Hastings Road, in the Township of Tudor, in the said County of Hastings, covered and affected by the dam thereon constructed, and known 25 as Telly's Dam, shall have the right to keep and maintain the said dams on the said lots respectively, situate across the said streams, for the purpose of raising and keeping up the waters of said streams: Provided also that each of the said dams shall be provided with a slide, and the appliances now required by 30 law in the case of mill dams on streams used for the purpose of floating down logs and timber.

Proviso.

Compensation to owners of lan:ls flooded.

3. For all lands flooded by reason of the said dams, or which, by reason of the letting out of the waters from the said dams for the purpose of carrying down the timber at any sea- 35 son of the year, are partially flooded, and which said lands have been patented or agreed to be sold by the Crown, the said Allan Gilmour, or his heirs or assigns, shall, as to dams situate on his said lands—and the said H. B. Rathbun and Son, or their heirs, executors, or assigns, shall, as to dams situate on their 40 said lands—to the owners thereof, make compensation for the injury done to such lands, if any, such compensation to be ascertained as hereinafter provided; but in cases where the patents hereafter to be issued provide that no compensation be made to purchasers, the patentee shall have no claim on said 44 parties owning said dams, or any of them, their heirs, executors, or assigns.

No compensalands vested

4. In respect of lands now vested in the Crown, and tion for flooded unsold, the said Allan Gilmour, his heirs and assigns, and the in the Crown. said H. B. Rathbun and Son, their heirs, executors, and assigns, 50 shall not be liable to any purchaser of the said lands for any damage caused by their said respective dams, or any of them, while maintained at a height not exceeding the present height of said dams respectively.

5. In respect of the lands mentioned in the third sec- Mode of detertion of this Act, the compensation to be made for the lands mining comflooded and injured may be agreed upon between the respective owners of the said dams and the respective owners of the lands 5 so injured, in such manner and on such terms as the parties may agree upon; and in case of disagreement, then the proceedings to ascertain and fix the said compensation shall be the same as are pointed out and provided in sections eighteen. nineteen, and twenty of chapter forty-nine of the Consolidated 10 Statutes of Upper Canada.

6. In any notice of arbitration to be given under the Particulars to next preceding clause, there shall be inserted a description of notice of arbithe land affected, and the damage to be arbitrated for and tration. upon; and the said notice shall also name a sum which shall 15 be offered as compensation for the said damages; and if the Costs. sum awarded is equal to or less than the sum offered, the said owner shall pay all the costs of the arbitration and award, and

the same may be deducted from the amount of the said award. 7. The said award shall be a complete bar to all further Award to bar 20 claims because of such dams or works, and for all damages oc- all further claims. casioned thereby, provided, and while, they are maintained at

no greater height than the said dams now are.

8. The owners of the said dams may register any such Registration awards in the office of the registrar for said county, and the of awards. 25 production of a certified copy thereof shall, in all courts, be taken as prima facie evidence of the said award, and of the Evidence. facts stated therein.

9. Provided always that any powers or rights conveyed in Powers of this Act shall be subject to and not interfere with the powers Commissioner of Public Weeks, and the thirty. 30 vested in the Commissioner of Public Works, under the thirty- Works third section of the Act passed in the thirty-second year of the preserved. reign of Her Majesty Queen Victoria, chaptered twenty-eight, and intituled "An Act respecting the Public Works of Canada."

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting certain dams on Beaver Creek and other streams in the Counties of Hastings and Addington.

1st Reading,

1879.

(PRIVATE BILL.)

MR. FERRIS.

TORONTO:

as follows

An Act respecting certain dams on Beaver Creek and other streams in the Counties of Hastings and Addington.

HEREAS, by the petitions of Allan Gilmour and of H. B. Preamble. Rathbun and Edward W. Rathbun, under the name, style, and firm of H. B. Rathbun and Son, the said Allan Gilmour has represented that he is the owner of lot number ten, in the 5 sixth concession of the Township of Anglesea, in the County of Addington; also lot nine in the sixteenth concession of said Township of Anglesea; also lot ten in the fourteenth concession of the said Township of Anglesea; also lot nine in the second concession of the Township of Limerick, in the County of 10 Hastings; also east half of lot number fifteen, in the tenth concession of the Township of Lake, in the County of Hastings; also lot number thirty-two, in the seventeenth concession of the Township of Anglesea aforesaid; and whereas, by the said petition, the said firm of H. B. Rathbun and Son have repre-15 sented that they are the owners of lot number twenty-nine, in the eighth concession of the said Township of Anglesea, and of that part of lot number seventy, on the east side of the Hastings Road, in the Township of Tudor, in the said County of Hastings, covered and affected by the dam thereon con-20 structed, and known as Jelly's Dam; that, for the purpose of floating logs and timber down the rivers and waters above mentioned, and their branches, which respectively pass over the said lands to the mills of the said Allan Gilmour, in the Village of Trenton, in the County of Hastings, and to the mills belonging 25 to the said firm of H. B. Rathbun and Son, in the Village of Mill Point, in the said County of Hastings, from their several limits and lands in Ontario, they, the said Allan Gilmour and the said Rathbun and Son, have been obliged to erect and maintain, upon their said lands and on the lands aforesaid, 30 across the said streams and waters, certain dams, which have facilitated, and do facilitate, their getting their logs down the said streams and waters, saving great expense, and also making said streams and waters more navigable for logs and timber than they otherwise would have been; and whereas the said 35 Allan Gilmour and the said Rathbun and Son have, in their petition, prayed that they may be authorized to keep and maintain the said dams for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent 40 of the Legislative Assembly of the Province of Ontario, enacts

A. Gilmour to to maintain dams.

1. The said Allan Gilmour, his heirs and assigns, shall as to have the right lot number ten, in the sixth concession of the Township of Anglesea, in the County of Addington; of lot number nine in the sixteenth concession of the said Township of Anglesea; also of lot ten in the fourteenth concession of the said Town- 5 ship of Anglesea; also of lot number nine in the second concession of the Township of Limerick, in the County of Hastings; also of the east half of lot number fifteen in the tenth concession of the Township of Lake, in the County of Hastings; and also lot number thirty-two in the seventeenth concession of the 10 Township of Anglesea aforesaid, shall have the right to keep and maintain the said dams on the said lots respectively, situate across the said streams, for the purpose of raising and keeping up the waters of the said streams: Provided also that each of the said dams shall be provided with a slide, and the 15 appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber

Proviso.

H. B. Rathbun the right to maintain dams

2. The said H. B. Rathbun and Son, their heirs, and & Son to have assigns, shall as to lot number twenty-nine in the eighth concession of the said Township of Anglesea, and of that part of 20 lot number seventy, on the east side of the Hastings Road, in the Township of Tudor, in the said County of Hastings, covered and affected by the dam thereon constructed, and known as Jelly's Dam, have the right to keep and maintain the said dams on the said lots respectively, situate across the said 25 streams, for the purpose of raising and keeping up the waters of said streams: Provided also that each of the said dams shall be provided with a slide, and the appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber. 30

Proviso.

3. For all lands flooded by reason of the said dams, or Compensation which, by reason of the letting out of the waters from the said to owners of lands flooded. dams for the purpose of carrying down the timber at any season of the year, are partially flooded, and which said lands have been patented, sold, located or agreed to be sold by the Crown, 35 the said Allan Gilmour, or his heirs, executors or assigns, shall, as to dams situate on the lands in the first section mentioned, and the said H. B. Rathbun and Son, or their heirs, executors or assigns, shall, as to dams situate on the lands in the second section mentioned, to the owners, tenants and lawful occupiers 40 thereof, make compensation for the injury done to such lands, if any, such compensation to be ascertained as hereinafter provided; but in cases where the patents hereafter to be issued provide that no compensation be made to purchasers, the patentee shall have no claim on said parties owning said dams, or 45 any of them, their heirs, executors, or assigns.

4. In respect of lands now vested in the Crown, and No compensa- unsold or located, the said Allan Gilmour, his heirs, executors tion for flooded and assigns, and the said H. B. Rathbun and Son, their heirs, in the Crown. executors, and assigns, shall not be liable to any purchaser of 50 the said lands for any damage caused by their said respective dams, or any of them, while maintained at a height not exceeding the present height of said dams respectively.

5. In respect of the lands mentioned in the third sec- Mode of detertion of this Act, the compensation to be made for the lands mining comflooded and injured may be agreed upon between the respective owners of the said dams and the respective owners of the lands 5 so injured, in such manner and on such terms as the parties

may agree upon; and in case of disagreement, then the proceedings to ascertain and fix the said compensation shall be us nearly as may be the same as are pointed out and provided in sections seventeen to twenty-eight, both included, of chapter one 10 hundred and fifty-two of the Revised Statutes of Ontario.

6. In any notice of arbitration to be given under the next Particulars to preceding clause, there shall be inserted a general description of be set out in the land affected, and the damage to be arbitrated for and tration. upon; and the said notice shall also name a sum which shall

15 be offered as compensation for the said damages; and if the Costs. sum awarded is equal to or less than the sum offered, the said owner, tenant or occupant shall pay all the costs of the arbitration and award, and the same may be deducted from the amount of the said award.

- 7. The owners of the said dams may register any such Registration awards in the office of the registrar for said county, and the of awards. production of a certified copy thereof shall, in all courts, be taken as prima facie evidence of the said award, and of the Evidence. facts stated therein.
- 8. No such dams shall be maintained, and no powers here- Rights of millby given shall be exercised in such a manner as to injure any owners, to millowner or manufacturer in respect of any mill manu-preserved. factory lawfully existing either above or below any such dam and using the said streams as a water power, provided, how-30 ever, that all Statutory rights, if any, acquired under the Sta-

urer or millowner to use the said waters, shall not be prejudiced, interfered with or taken away by anything in this Act contained: Provided always that any powers or rights conferred Proviso. 35 by this Act shall be subject to and not interfere with the powers vested in the Commissioner of Public Works, under chapter thirty of the Revised Statutes of Ontario, and shall also be subject to sections nine, ten, eleven and twelve of chapter one

hundred and thirteen of said Revised Statutes of Ontario.

tute of limitations or otherwise against any such manufact-

4th Session, 3rd Parliament, 42 Vic., 1879.

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An Act respecting certain dams on Beaver Creek and other streams in the counties of Hastings and Addington.

(Reprinted as amended.)

1st Reading, 29th January, 1879.

(PRIVATE BILL.)

MR. FERRIS.

TORONTO:

An Act respecting the Ottawa City Passenger Railway Company.

HEREAS the Corporation of the City of Ottawa have, Preamble. by their petition, prayed for amendments to the Act incorporating the Ottawa City Passenger Railway Company, and whereas it is expedient to grant the prayer of the said

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The Act passed in the twenty-ninth and thirtieth years 29-30 Vic., 10 of Her Majesty's reign, chaptered one hundred and six, is cap. 106, sec. hereby amended by striking out the words "Speaks Street 4, amended. hereby amended by striking out the words "Sparks Street along Sparks Street to Bank Street along Bank Street" in the twelfth and thirteenth lines of the fourth section of the said Act, and substituting therefor the words "Dufferin Bridge and 15 along Dufferin Bridge."

2. The Ottawa City Passenger Railway Company shall, Railway to be whenever directed by a by-law of the Corporation of the City directed by of Ottawa change and remove their railway track from the city by-law. Sappers Bridge and Sparks and Bank Streets in the said City 20 of Ottawa, and construct a railway track in lieu thereof, and in conformity with the said last mentioned Act as hereby amended, along Dufferin Bridge and Wellington Street and locate the same on said last mentioned bridge and street in such line and in such places as may be set forth in any such by-law, and 25 the said company shall, as soon as practicable, after this Act Certain altershall have come into force, change and alter the rails and made forthswitches at present in use in said railway, and substitute there-with. for flat or train rails, and make the gauge between them such

3. The said company shall, whenever required by a by-law Company to of the said corporation, lay a double railway track along that lay a double track when part of the route of their said railway lying within the limits required by of the City of Ottawa, or along any part thereof as may be set city by-law. forth in any such by-law, and all the provisions of said chapter 35 one hundred and six, as hereby amended, shall apply to and be observed in the construction of any such double track, and to the form of rails to be used, the laying and gauge thereof, and the repair of the roadway between the rails of such double track, and of the streets of the said corporation to the distance 40 of eighteen inches on the outside of each of the rails thereof laid

that ordinary vehicles now in use may travel on such rails.

within the said city and otherwise as if the same was a single track.

Company to alter switches when required by city bylaw.

4. The said company shall also and from time to time as may be required by any by-law of the said corporation, alter the location of all or any of the switches now or hereafter in use on said railway and locate them or any of them in such place or places and in such a manner as may be provided from time to time by a by-law of the said corporation.

Regulations as to rails and repairs of streets.

5. The said company shall at all times keep all the rails and switches of their said railway flush with the streets and high-10 ways of the said city, and shall repair and at all times keep repaired the roadway between the rails and switches, and for one foot six inches on the outside of each rail and switch in the City of Ottawa, and provide and use for such repairs the same materials and mode of construction as that from time to 15 time in use by the city corporation for the remainder of the street: Provided that where the material laid down upon such remainder of the street is macadam or gravel it shall be optional with the said the Ottawa City Passenger Railway Company to use stone or wood block paving instead thereof.

Proviso.

- Provision in case company neglects to repair.
- 6. Should the said railway company neglect to keep the track or roadway or crossings or the space of eighteen inches on the outside of the rails and switches in good condition, or to have the necessary repairs made thereon, the city engineer or other proper officer shall give written notice at the head 25 office of the company requiring such repairs to be made forthwith, and unless such repairs are commenced within two days and carried on with all reasonable dispatch, to the satisfaction of the engineer of the City of Ottawa, the said engineer may cause such repairs to be made at the expense of the corporation 30 of the said city, and the same shall be recoverable by the said corporation from the said company by suit or action in any court of competent jurisdiction.

Corporation may impose license fees on cars.

7. The said corporation may, by by-law, enact and require that the said company shall pay to the said corporation a 35 yearly sum not exceeding the sum of twenty dollars as a license fee for each and every car that may be used by the said company for the conveyance of passengers within the said city, and in the event of any such by-law being passed, the said company shall not, nor shall any person or persons in their 40 behalf, run or use any car for the conveyance of passengers within the said city, until the license fee therefor required by any such by-law has been first paid.



4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting the Ottawa City Passenger Railway Company.

1st Reading,

1879.

(PRIVATE BILL.)

Mr. O'Donoghue.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Ottawa City Passenger Railway Company.

HEREAS the Corporation of the City of Ottawa have, by their petition, prayed for amendments to the Act incorporating the Ottawa City Passenger Railway Company, and whereas it is expedient to grant the prayer of the said 5 petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said company shall at all times keep all the rails and Regulations as 10 switches of their said railway flush with the streets and high-to rails and repairs of ways of the said city, and shall repair and at all times keep re- streets. paired the roadway between the rails and switches, and for one foot six inches on the outside of each rail and switch in the City of Ottawa, and provide and use for such repairs the 15 same materials and mode of construction as that from time to time in use by the city corporation for the remainder of the street : Provided that where the material laid down upon such Proviso. remainder of the street is macadam or gravel it shall be optional with the said the Ottawa City Passenger Railway Com-20 pany to use stone or wood block paving instead thereof; and provided that where the City Corporation adopts and uses on Proviso,

any street or portion of street traversed by the said railway, a permanent pavement of wood, stone, asphalt or other material of the like permanent character, the company shall not 25 in such case be bound to construct the same, or to pay more than the cost price of such pavement over the space between their rails and for one foot six inches outside of each rail, and as against the said company, such price shall not exceed in any case the sum of two dollars and fifty cents per square yard,

30 provided also that it shall be the duty of the City Corporation Proviso. to maintain the remainder of such streets at such a grade and state of repair as that at the distance of eighteen inches from the rails, such street shall be level or flush with the rails.

2. Should the said railway company neglect to keep the Provision in 35 track or roadway or crossings or the space of eighteen inches case company neglects to on the outside of the rails and switches in good condition, or repair. to have the necessary repairs made thereon, the city engineer or other proper officer shall give written notice at the head office of the company requiring such repairs to be made forth-40 with, and unless such repairs are commenced within six days and carried on with all reasonable dispatch, to the satisfaction of the engineer of the City of Ottawa, the said engineer may cause such repairs to be made at the expense of the corporation

of the said city, and the same shall be recoverable by the said corporation from the said company by suit or action in any court of competent jurisdiction.

DILLIL.

An Act respecting the Ottawa City Passenger Railway Company.

1st Reading, 30th January, 1879.

(Reprinted as Amended.)

(PRIVATE BILL.)

Mr. O'Donoghue.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 18.

th Session, 3rd Parliament,

42 Vic., 1879.

BILL.

An Act respecting the Draining of Marsh Lands in Lake Scugog.

THEREAS Metcalfe Thwaite, of the City of Toronto, Mer-Preamble. chant, Joseph Fisher Eby, of the same place, Merchant, Patrick George Close, of the same place, Esquire, and William Murdoch, of the Town of Bowmanville, Civil Engineer, have 5 prayed that they and such other person or persons as may thereafter be associated with them, may have power and authority given them to construct an embankment or solid roadway from a point on the shore of Lake Scugog, at or south of and near to the Village of Port Perry, in the Township of 10 Reach, to the opposite shore at some point opposite to the place of commencement in the Township of Scugog: and also to construct a similar embankment or solid roadway from some point on the shore of Lake Scugog south or south-west of and near to Cæsarea in the Township of Cartwright, to 15 the opposite shore at some point opposite the place of commencement in the Township of Scugog; to drain all the part or portion of the said Lake Scugog so to be cut off, lying to the south of said embankments or roadways, and to vest all the lands reclaimed thereby in Fee Simple in the said Metcalfe 20 Thwaite, Joseph Fisher Eby, Patrick George Close, and William Murdoch, and such other person or persons as may be hereafter associated with them, their heirs and assigns forever; and to give power to the Judge or Junior Judge of the County or Union of Counties in which any lands so reclaimed and taken 25 lies, to award compensation to any owner thereof, and giving power to the petitioners to issue debentures which shall be a first charge on said lands so to be reclaimed; and whereas it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent 30 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. Metcalfe Thwaite, Joseph Fisher Eby, Patrick George Power to conClose, and William Murdoch, and such other person or persons struct roadas may hereafter be associated with them, may construct a solid
35 roadway or embankment from any point on the shore of Lake
Scugog, at or south of or near to the Village of Port Perry in
the Township of Reach, to the opposite shore at some point
opposite to the place of commencement, in the Township of
Scugog, and may also construct a similar embankment or solid
40 roadway from some point on the shore of Lake Scugog south
or south-west of and near to Cæsarea in the Township of Cartwright, to the opposite shore at some point opposite the place
of commencement, in the Township of Scugog, and may drain

all the part or portion of the said Lake Scugog so to be cut off lying to the south of the said embankments or roadways, and all the said lands so drained or reclaimed up to high water mark round the edges of that part or portion of the said Lake Scugog so cut off, and lying south of the said roadways or embankments shall be vested in the said Metcalfe Thwaite, Joseph Fisher Eby, Patrick George Close, and William Murdoch, in fee simple, to them, their heirs and assigns forever: The provisions of "The Ontario Joint Stock Companies General Clauses Act," and the provisions of "The Municipal Act," relating to the aiding road companies and drainage, shall extend and apply to this Act so far as the same are not inconsistent with this Act.

Width of roadways.

2. The said roadways or embankments shall be made of sufficient width for waggons and other vehicles to pass each other 15 with ease and in safety, and shall when finished become and be public highways as absolutely to all intents and purposes as any other highway.

Power to drain.

3. The said parties their servants and agents shall have liberty to cut and maintain a drain of sufficient width and 20 depth for the purpose of turning any creek or rainfall, or water from any creek or rainfall into the said lake north of the said roadways or embankments; said drain to commence at a point north of the said roadway or embankment on the Port Perry side of the lake and be carried round the shore of that 25 portion of the said lake so to be reclaimed to some point north of the said roadway or embankment on the Cartwright side of the said lake, and to enter upon and take all necessary lands and materials for such purpose, settling and making compensation therefor as required by the said "The Ontario Joint Stock 30 Companies General Clauses Act."

Municipalities may grant bonuses.

4. It shall further be lawful for any municipality or municipalities or any county municipality or any portion of any such municipality or municipalities, or county municipality which may be interested in securing the draining or reclaiming of 35 the said lands or in which or near which such lands are situate, to aid and assist the said parties, by loaning, guaranteeing or giving money by way of bonus or other means to the persons named in this Act, or issuing municipal bonds to, or in aid of such persons, and otherwise, in such manner and to such extent 40 as such municipalities or any of them shall think expedient: Provided always that no such loan, aid, bonus or guarantee shall be given except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers as provided in the Municipal Act for the creation of debts.

Provisions as to by-laws.

5. Such by-law shall be submitted and passed in manner following, namely:—

In the case of a county municipality by the county council on a petition of a majority of the reeves and deputy-reeves, or 50 of one hundred resident freeholders who may be duly qualified voters under the Municipal Act:

In the case of other municipalities by the councils of such municipalities on the petition of the majority or of fifty resident freeholders, duly qualified voters as aforesaid.

6. It shall be further lawful for the corporation of any Municipalities municipality in which any of the said lands lie, by by-law may exempt especially passed for that purpose, to exempt the lands lying in ation. such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem 10 expedient, not exceeding twenty-one years.

7. Any owner of lands so reclaimed may make claim for Compensation compensation therefor at any time within five years after this Act is passed, and incase he and the parties hereinbefore named cannot agree, mayrefer the matter to the Judge or Junior Judge

15 of the Countyor Union of Counties in which said lands shall be situate, who shall award such compensation as to him shall seem just and proper, and shall make his award in writing therefor; such compensation to be paid at the end of three years from the time the said award is made, and to be a lien or charge on the

20 lands for which such compensation is awarded till paid.

8. The said persons shall have power and authority to issue Debentures. debentures to an amount not exceeding which debentures shall be a first charge on the said lands, and may be made payable at any period not exceeding twenty 25 years, and may bear any rate of interest therein expressed; such debentures, however, not to take precedence of any charge which may exist under clause five of this Act.

9. The works to be carried out under this Act shall be com- Time for tar menced within two years after the passing of this Act, and work.

30 be completed within ten years.

Fourth Session, Third Parliament, 42 Vic. 1879.

BILL

An Act respecting the Draining of Marsh Lands in Lake Scugog.

First Reading,

1879.

(PRIVATE BILL.)

MR. PAXTON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate "The Lake Scugog Marsh Lands Drainage Company."

HEREAS Metcalfe Thwaite, of the City of Toronto, Mer. Preamble. chant, Joseph Fisher Eby, of the same place, Merchant, Patrick George Close, of the same place, Esquire, William Murdoch, of the Town of Bowmanville, Civil Engineer, and 5 Robert Armour, of said Town of Bowmanville, Barrister, have prayed that a company may be incorporated for the purpose of constructing an embarkment or solid roadway from a point on the shore of Lake Scugog, at or south of and near to the Village of Port Perry, in the Township of Reach, to the opposite shore 10 at some point opposite to the place of commencement in the Township of Scugog; and also a similar embankment or solid roadway from some point on the shore of Lake Scugog south or south-west of and near to Cæsarea in the Township of Cartwright, to the opposite shore at some point 15 opposite the place of commencement in the Township of Scugog; and for draining all that part or portion of the said Lake Scugog so to be cut off, lying to the south of said embankments or roadways, and to vest all the lands reclaimed thereby in the said company, subject to such conditions and 20 provisions as are hereinafter enacted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. All such persons as shall become shareholders of the Incorporation. said company shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact and in name by the style and title of "The Lake Scugog Marsh Lands Drainage Company," for the purpose of draining 30 and reclaiming those certain marsh lands in the south part of Lake Scugog, which by section nineteen of this Act are specially described and defined, and, doing all things pertaining thereto or connected therewith, including the construction and maintenance of the embankments and roadways herein-35 after in this Act mentioned, and shall and may have perpetual succession and shall be capable in law of contracting and being contracted with, and suing and being sucd, pleading and being impleaded, in any Court of Law or Equity, in their corporate name aforesaid, and they and their successors shall and may 40 have a common seal and may change the same at their will and pleasure.

2. The capital stock of the said company shall be thirty Stock. thousand dollars, divided into three hundred shares of

one hundred dollars each, with the power and privilege to increase from time to time the said capital stock, to the sum of one hundred thousand dollars by and with the consent of the shareholders given at any special meeting held for that purpose, which shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

Provisional Directors.

3. For the purpose of organizing the said company the said Metcalfe Thwaite, Joseph Fisher Eby, Patrick George 10 Close and Robert Armour shall be provisional directors thereof; and they or a majority of them may cause stock books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the papers in the Village of Port Perry or the Town of Bowmanville, upon which stock 15 books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said company, and such books shall be opened in the said Town of Bowmanville and elsewhere within the Province of Ontario, at the discretion of the said provisional directors, and shall remain open 20 as long as they deem it necessary; and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per centum on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining the passing of 25 this Act.

When meeting for election of Directors may be called.

4. When fifteen thousand dollars of the said capital stock shall have been subscribed as aforesaid, and at least twenty-five per centum of the amount so subscribed paid into one of the chartered banks of the Province of Ontario, 30 to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the Company, the said provisional directors may call a general meeting of shareholders at some place in the said Town of Bowmanville or said Village of Port Perry, giving at least ten days' notice 35 thereof in the Ontario Gazette and also in some paper published in said town or village, at which meeting the shareholders present in person or represented by proxy shall elect a board of directors composed of five persons, being shareholders and qualified in the manner and as by this Act pro-40 vided, and said directors shall hold office for one year after their election.

Shareholders.

5. Aliens as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on 45 their shares equally with British subjects, and shall be also eligible to hold office as directors or otherwise in the said company.

Board of Directors.

6. The stock, property, affairs and concerns of the said company shall be managed and conducted by the board of 50 directors, who shall hold office until the next annual general meeting of shareholders and election of directors, to be holden at the City of Toronto on the anniversary of the first election of directors, or on such other day in each year as may be appointed by by-law of the said company; not less than ten days 55

notice of such meeting being given as provided in section four Election. of this Act; the said election authorized by this section shall be held and made by such of the shareholders present in person or represented by proxy as shall have paid all calls made 5 by the directors and then due, and all such elections shall be by ballot, and the number of said directors shall be five, and they who, to the said number of five, shall have the greatest number of votes at any such election shall be the said directors, except as hereinafter provided, and if two or more persons have an equal 10 number of votes in such a manner that a greater number of persons than the number required shall appear to be chosen as directors, then the directors who shall have the greater number of votes or a majority of them shall determine which of the said persons so having an equal number of votes shall be the director or 15 directors, so as to complete the whole number required, as aforesaid, and the said directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be president and one to be vice-president; and if any vacancy should at any time happen amongst the 20 said directors by death, resignation, disqualification or removal during the current year of office, such vacancy may be filled for the remainder of the year by the remaining directors or a majority of them present at any meeting electing to fill such vacancy a shareholder eligible for such office; provided always 25 that no person except as hereinafter provided shall be eligible to be or continue to be a director unless he shall hold stock in the said company to the amount of fifty shares, whereof at least ten per centum shall have been paid in, and shall have paid all calls made and due upon his said stock.

7. Failure to directors of the said company should not be made on any day elect Directors when pursuant to this Act it should have been made, the said Company. company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to make and hold an 35 election at a special general meeting, to be called for that purpose by the directors, who shall continue in office until a new election is made; or any time subsequent to the first election of directors the number thereof may be determined as provided for in section twelve of this Act, but in default of any by-law,

40 rule, regulation, or ordinance fixing the number of directors, the number thereof shall remain and be five, as aforesaid.

8. At the annual meeting of the shareholders the elec-General tion of directors shall be held and all business transacted with- meetings. out the necessity for specifying such business in the notice 45 of such meeting; and at such meeting a general balance sheet and statement of the affairs of the company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders; special general meetings of the shareholders may be 50 called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders, the president, or in his absence, the vice-president, or in the absence of both of them, a director or shareholder, chosen by the shareholders, shall preside, who, in the case of an equality of votes, shall give the 55 casting vote in addition to his vote as a shareholder.

Votes.

9. At all general meetings of the said company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes; all persons entitled to vote at any meeting of shareholders may by writing under their hands (or if such person be 10 a corporation then under their common seal), constitute any shareholder a proxy to vote at any such meeting; no person shall be allowed to vote as a proxy unless he shall be a shareholder and unless such appointment shall have been produced to the secretary and entered in a book to be kept by him for 15 such purpose. 🌉

Trustees to represent stock held by them.

10. Every executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands at all meetings of the company and may vote accordingly as a shareholder.

Quorum.

11. At all meetings of directors there shall be a quorum for the transaction of business; and all questions of business shall be decided by a majority of votes, and in case of an equality of votes, the president, vice-president or presiding director, shall 25 give the casting vote, in addition to his vote as director; and at all such meetings the president, or in his absence, the vice-president, or in the absence of both, a director, chosen by a majority of the directors present, shall preside.

Powers of Directors.

12. Except as otherwise provided by this Act, the 30 directors shall have full power and authority from time to time, to make, amend, repeal or re-enact such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the company, the management and disposition of its stock, property, estate and effects, the 35 calling of the special general meetings, the regulations of the meetings of the board of directors, the increasing or decreasing of the number of directors, the increasing of the capital stock, the appointment of a general manager and secretary, the making of calls upon the subscribed capital, the issue and allotment $_{
m 40}$ of shares, the appointment and number of officers and agents of the company, the regulation of their power and duties, and the remuneration to be paid to them, the regulation of the transfer of stock, and the form thereof, the compensation of the directors, the adjusting and paying of all claims against the company, and 45 generally to do all other necessary matters and things they may deem expedient in conducting and managing the interests, business and affairs of the company, and may at a meeting held for such specified purpose declare such annual or semi-annual dividends upon the capital stock as they shall deem justified 50 by its business.

Calls.

13. The shares of capital stock subscribed for shall be paid in by such instalments and at such times and places as the directors shall appoint; no such instalment, except the first, shall exceed ten per cent.: thirty days' notice of each call for any such instalment shall be given before the same becomes 55 payable; and executors, administrators and curators paying in-

stalments upon the shares of deceased shareholders shall be and they are hereby respectively indemnified for paying the same.

14. Fig. If any instalment upon any share be not paid when Forfeiture of 5 due the directors may declare such shares forfeited together with shares. the amount previously paid thereon, in such manner as may be provided by the by-laws, and such forfeited share may be sold at a public sale by the directors after such notice as they may direct, and the moneys arising therefrom shall be applied for 10 the purposes of this Act; provided always that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than are deemed

15 necessary to pay such arrears, interest and expenses.

15. If payment of such arrears of calls, interest and Forfeited expenses be made before any share so declared forfeited shall shares, if unsold, to revert have been sold, such share shall revert to the owner as if the to owner on same had been duly paid before forfeiture thereof; and in all payment of calls. 20 actions or suits for the recovery of such arrears or calls it shall be sufficient for the company to allege that the defendant being the owner of such shares is indebted to the said company in such sum of money as the calls in arrear amount to, for such, and so many shares whereby an action hath accrued to 25 the company by virtue of this Act, and on the trial it shall be only necessary to prove that the defendant was owner of the said shares in the company; that such calls were made and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who 30 made such calls or any matter whatsoever other than what is before mentioned; a copy of such by-law, rule, regulation, or minute, or of any entry in any book of the company certified to be a true copy under the hand of the president or vicepresident or the general manager or secretary of the company, 35 and sealed with the corporate seal shall be received in all courts and proceedings as prima facie evidence of such by-law, rule, regulation, minute or entry without further proof thereof and without proof of the official character or signature of the

16. No transfer of any share of the stock of the said Transfer of company shall be made or be valid until entered in the books stock. of the said company according to such form as may from time to time be fixed by the by-laws of the company, and until the whole of any such share in the capital stock of the company

45 is paid up it shall be necessary to obtain the consent of the directors to such transfer being made; provided always that no Proviso, shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall 50 at any time be made until all calls thereon have been paid in.

officer signing the same, or of the corporate seal.

17. Each shareholder shall be individually liable to the Liability of creditors of the company to an amount equal to the amount shareholders. unpaid on the stock held by him for the debts and liabilities 55 of the company, but no further; he shall not, however, be

liable to an action therefor to any creditor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder, and the share shall be deemed personal estate.

of shares by death, &c.

18. The transmission of any shares of the stock of the company in consequence of the marriage or death or insolvency of a shareholder or by any other means than an ordinary transfer shall be made, proved, and authenticated, in such form, 10 by such proof, and generally in such manner as the directors shall from time to time require, or by by-law direct, before any person claiming such shares shall be entitled to vote thereon or to receive any dividends or money payable in respect thereof.

Construction rized.

19. The said company shall have power to construct a 15 of road autho-solid roadway or embankment from any point on the shore of Lake Scugog, not more than one hundred feet north of the present built and travelled bridge leading from the Village of Port Perry to Scugog Island, and at or south of or near to the said Village of Port Perry to the opposite shore on Scugog Is-20 land, in the Township of Seugog, and thence in an easterly or southerly direction across said island to, and into, the Township of Cartwright, in the County of Durham, and may also construct a similar embankment or solid roadway from some point on the shore of Lake Scugog, south or south west of, and 25 near to, Cæsarea, in the said Township of Cartwright to the opposite shore on Scugog Island aforesaid, and may drain all the part or portion of the said Lake Scugog, and of the lands covered thereby and so to be cut off and lying to the south of, and within the said embankments or roadways, and all the 30 lands so drained or reclaimed up to the present high water mark of that portion or part of the said Lake Scugog so cut off and lying south of and within the said roadways or embankments shall be vested in and belong to the said company, their successors and assigns in fee simple forever, subject, how- 35 ever, to the provisions and conditions of this Act in that behalf, and not until, and only when, all such provisions and conditions are and have been fully complied with by the said company.

Conditions as to roads.

20. The said roadways or embankments shall on the top 40 thereof be of not less than sixteen feet in width, and so made that waggons and other vehicles may pass each other thereon with ease and in safety, and shall, when finished, become and be free public highways, without toll, as absolutely to all intents and purposes as any other highway, and the said embankments 45 shall at all times be maintained and kept up at said width by the said company, but the said company shall not after the first construction thereof, be liable to repair or maintain that portion of the top or face of the said embankments which may or shall be used as a road or highway. 50

21. Subject to the provisions of this Act the said com-Drain to lake. pany shall have liberty to cut and maintain a drain of sufficient width and depth for the purpose of turning into the said lake north of the said roadways or embankments, any creek or rain fall flowing into or towards the lands so as aforesaid lying 55 south of and within the said embankments: said drain to

commence at a point north of the said roadway or embankment on the Port Perry side of said Lake Scugog, and to be carried round the shore of that portion of the said lake so to be drained as aforesaid to some point north of the said road-5 way or embankment on the Cartwright side of the said lake, and to enter upon and take all necessary lands for such purpose.

22. It shall be lawful for any municipality which may Aid from Mube interested in securing the draining or reclaiming of the nicipalities. 10 said lands, or in which or near to which such lands are situate, to aid and assist the said company in the draining and reclaiming of said lands, by loaning or giving money by way of bonus or other manner to the said company, or issuing municipal bonds to or in aid of such company, and otherwise 15 in such manner and to such extent as such municipality shall think expedient: Provided always, that no such loan, Proviso, aid, bonus or guarantee shall be given, except after the passing of by-laws for that purpose, and the adoption thereof and assent thereto by the ratepayers, as provided in the Muni-20 cipal Act for any by-law creating a debt and requiring the

23. Any such by-law within the meaning of the pre-Petitions for ceding section shall not be submitted or passed by any council by-laws. under the terms of said preceding section unless

1. In the case of a county municipality on a petition of a majority of the reeves and deputy reeves or of one hundred resident freeholders of said county who may be duly qualified under the Municipal Act to vote upon any such by-law;

assent of the electors thereto.

2. In the case of any other municipality on the petition of 30 not less than fifty resident freeholders of said municipality who are duly qualified to vote upon any such by-law as aforesaid.

24. It shall be further lawful for the corporation of Exemption of any municipality in which any of the said lands so to be re-lands from 35 claimed lie, by by-law especially passed for that purpose, to exempt such of the said lands as are within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in 40 lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, but not exceeding twenty-one years.

25. The said company shall have power and authority Issue of de-45 to issue debentures to an amount not exceeding one hundred bentures. thousand dollars, which debentures shall be a first charge on the said lands after and so soon as the same shall have become vested in and belong to said company under the provisions of this Act, and after and subject to all other charges and incumbrances 50 then being or existing thereon, and the said debentures may be made payable at any period, not exceeding twenty years, and may bear any rate of interest therein expressed.

Commence-26. Unless the works to be carried on under this Act ment and comshall be commenced within two years and fully completed works.

within five years from and after the passing of this Act, then the charter and powers hereby granted and created shall be forfeited and void.

Gravel.

27. The said company shall have the right to search for, and take such gravel, earth, stone or like material as shall be necessary for making and keeping in repair the said roadway or embankments and drains, and the right to search and take as aforesaid, as well as the price or damage to be paid to any persons for such materials shall, if not otherwise agreed on, be 10 settled by arbitration in the same manner and by arbitrators to be chosen in the same way as provided for the arbitrations and arbitrators mentioned in sections twenty-eight, twentynine and thirty-one of this Act.

Plan of lands to be drained to be registered.

28. Before the said company shall exercise any of the 15 rights conferred by this Act, except that of organizing, the said company shall cause a plan or map of the area of lands intended to be drained, or reclaimed, to be made with the lots and parcels of land intended to be taken, drained and reclaimed as aforesaid, or for any of the purposes authorized by this Act, 20 properly numbered and described thereon, and shall file a copy of said map in the Registry office of the County of Ontario, and a copy thereof in the Registry office of the West Riding of the County of Durham, and shall contract and agree with the owner or owners of such lands for the purchase thereof, and in 25 case of disagreement in respect of the sum to be paid for the said lands the company shall serve upon the owner of or party interested in the said lands, or in the case of an incorporated company, upon the president or vice-president, secretary, or commissioner, or other officer thereof, a notice in writing signed 30 by the president, vice-president or secretary, of the company hereby incorporated, specifying as fully as can reasonably be done the particular lands proposed to be appropriated, and naming a sum of money which the company offers and is ready to pay as compensation for the lands, and 35 naming a person as arbitrator in case the sum offered is not accepted as compensation as aforesaid; and if the owner or party interested is unknown or if absent from the county in which the lands lie and his residence cannot be ascertained, then upon application to the judge of the county court of the 40 said county, accompanied by an affidavit of some officer of the company and by such other proof as will satisfy said judge that the owner or party interested is unknown or is so absent, and that after diligent enquiry the party on whom the notice ought to be served, or his residence cannot be ascertained, the 45 judge shall order a notice as aforesaid, to be inserted once in each week for four consecutive weeks in some newspaper pub-

lished in the said county; and thereupon the owner or party interested shall within five days after being personally served with such notice or within six weeks after the last publication 50 of such notice as the case may be, notify the company in writing that he accepts the compensation offered, in which case he shall at the expense of the company make a deed of conveyance to the company of the lands mentioned in the notice, or that he refuses the compensation offered, and that he has named an arbitrator, giv- 55 ing the name; and the two arbitrators so named shall within five days meet and name a third arbitrator, and the arbitrators so appointed shall within tendays inspect and take evidence if offered on

Arbitration between Company and land owners.

the subject-matter in controversy and make their award in writing thereon, which being signed by two of them shall be final and binding on the parties to the said reference, subject however to be set aside or sent back for amendment as in the 5 case of ordinary arbitrations; Provided always that if the Proviso. owner or party interested should not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators, or a majority of them not make their 10 award, according to and as required by the provisions of this section in that behalf, then in any of such cases or events it shall be lawful for the company on two days' notice to the said party interested or owner to apply to the judge of the County Court of the County where the lands lie, who shall thereupon cerning the premises shall be final and conclusive, subject, how-

15 appoint one person as sole arbitrator, whose award of and conever, to be set aside or remitted back to the said arbitrator to be amended as in ordinary cases of arbitration.

29. After award made as in the last preceding section Rights of 20 provided, and after tender or payment by the company of the ter award. amount awarded, if any, it shall be lawful for the company to take possession of the said lands in like manner as if a conveyance thereof to the said company had been made and executed; and the company may register the said award in the 25 registry office of the registration division in which the said lands are situate, and pay the amount awarded into one of the of award. Superior Courts in Ontario, and file therein a copy of the said award which shall operate as a conveyance to the company of the lands to which the said award relates.

30. The directors shall have power to issue paid up Issue of paid stock in the said company in payment of the prices of real es-payment of tate or of personal property required for the purposes of the property taken said company, or for the purposes of this Act, and such paid up stock shall be free from all calls whatsoever and from all 35 claims and demands of the said company, or of the creditors thereof to the same extent as if the amount of the same had been regularly called in by the said company and paid by the holders thereof in full.

31. In all cases of arbitration if the sum awarded ex- Costs of Arbi-40 ceeds the amount offered by the company in the notice in the tration. twenty-eighth section of this Act mentioned, the company shall pay the costs of the arbitration and award; if equal to or less than the amount awarded, the owner or owners shall pay the costs of the arbitration and award which may be deducted 45 from the consideration, and in either case the costs shall, on notice, be taxed by the judge of the County Court of the County where the lands lie.

32. No land or other property shall under this Act Possession of vest in or belong to the said company, or become its property, lands by the 50 nor shall the said company become entitled to the possession Company. thereof unless and until the compensation therefor or the price thereof, and all costs payable by the company in the ascertaining or settling said compensation or price, shall first have been

can be half by sections twenty-eight, twenty-nine and thirty-one of this Act, and shall have actually been paid, and satisfied, either to the person entitled thereto or in such other manner as is by this Act provided.

1st Reading, 29th January, 1879

March, 1879.

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An Act to incorporate "The Lake Scugog Marsh Lands Drainage Company."

(Reprinted as Amended.)

PRIVATE BILL.

MR PAXTON.

No. I

Session, 3rd Parliament, 42

Vic.

1879.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Public Burying Ground in the Town of Guelph.

HEREAS the Canada Company, being seized in fee of Preamble. that parcel of land known as, and laid down upon the original plan of the town plot of the Town of Guelph as a burying ground, and which said parcel is, with other lands 5 and certain lanes, situate within the limits of Wyndham, Quebec, Yarmouth and Woolwich Streets, in the said town, dedicated the said parcel of land to the public, as and for a burying ground; and whereas the said Canada Company now claim no interest whatever in the said parcel of land so dedi-10 cated, and do not oppose this Bill, and the said parcel has, pursuant to a by-law of the Town of Guelph, ceased to be used for burial purposes for twenty-five years last past and upwards, and nearly all of the dead have heretofore been removed, and many persons living in the neighbourhood of the said parcel are, 15 and have for a long time past been, improperly making use of the same for their private purposes; and whereas it is desirable that the said parcel should be devoted to some public use; and whereas the Corporation of the Town of Guelph have the right to inter bodies in the Union Cemetery and St. George's Ceme-20 tery in the Township of Guelph, and have prayed that the said parcel of land should be vested in the said town, to be used as a public park, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 25 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. It shall be lawful for the Corporation of the Town of Burying Guelph, after the removal of the bodies interred in that parcel Ground vested of land known as the Burying Ground aforesaid, to have and be used as a 30 to hold the said parcel of land, and, after the passing of this Act, public park. the said parcel shall become and be vested in the said town, and shall be used and enjoyed as a public park, and the council of the said corporation is hereby authorized to pass by-laws from time to time for the care and regulation of the same.

2. The said corporation is hereby authorized forthwith, after Removal of giving notice, as hereinafter mentioned, to remove from the bodies. said burial ground the remains of the dead therein interred to the Union Cemetery or St. George's Cemetery, at the sole cost of such corporation, and to re-inter such remains decently and 40 in order, and to erect any monument or headstone erected in said burial ground at the time of such removal, and, so far as

reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment.

Notice of re-moval of bedies.

3. The said corporation shall, before removing the remains of the dead as aforesaid, give written notice to the relatives of 5 the dead, when known, and, during the period of one month, publish a notice once in each week in each of the newspapers published in the said town, stating their intention to remove the said remains after a day to be named in the said notice, which day shall not be less than six weeks after the first pub- 10 lication of such notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

MR.

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Reading,

1879.

Act respecting the Public Bur Ground in the Town of Guelph.

CORONTO:

PRINTED BY HUNTER, ROSE & Co.

Session, 3rd Parliament, 42 Vic., 1879.

An Act respecting the Public Burying Ground in the Town of Guelph.

HEREAS the Canada Company, being seized in fee of Preamble. that parcel of land known as, and laid down upon the original plan of the town plot of the Town of Guelph as a burying ground, and which said parcel is, with other lands and certain lanes, situate within the limits of Wyndham, Quebec, Yarmouth and Woolwich Streets, in the said town, dedicated the said parcel of land to the public, as and for a burying ground; and whereas the said Canada Company now claim no interest whatever in the said parcel of land so dedi-10 cated, and do not oppose this Bill, and the said parcel has, pursuant to a by-law of the Town of Guelph, ceased to be used for burial purposes for twenty-five years last past and upwards, and nearly all of the dead have heretofore been removed, and many persons living in the neighbourhood of the said parcel are, 15 and have for a long time past been, improperly making use of the same for their private purposes; and whereas it is desirable that the said parcel should be devoted to some public use; and whereas the Corporation of the Town of Guelph have the right to inter bodies in the Union Cemetery and St. George's Ceme-20 tery in the Township of Guelph, and have prayed that the said parcel of land should be vested in the said town, to be used as a public park, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 25 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. It shall be lawful for the Corporation of the Town of Burying Guelph, after the removal, as by this Act provided, of the Ground vested in the town to bodies interred in that parcel of land known as the Burying be used as a Ground aforesaid, to have and to hold the said parcel of land, public park. and, after the passing of this Act, the said parcel shall become and be vested in the said town, and shall be used and enjoyed as a public park, and the council of the said corporation is hereby authorized to pass by-laws from time to time for the 35 care and regulation of the same; Provided always that if here-Proviso after said land is diverted to any other use or purpose than that of a public park, the right if any therein or thereto, had or claimed by the Township of Guelph, shall not be considered as affected or prejudiced by this Act.

2. The said corporation is hereby authorized forthwith, after Removal of giving notice, as hereinafter mentioned, and at its own expense to remove from the said burial ground the remains of the dead therein interred to the Union Cemetery or St. George's Cemetery, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to re-erect any monument or headstone erected in said burial ground at the time of such removal, and, so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment, and so as that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those 10 from which such remains shall have been removed.

Notice of removal of bodies.

3. The said corporation shall, before removing the remains of the dead as aforesaid, give written notice to the relatives of the dead, when known, and, during the period of one month, publish a notice once in each week in each of the newspapers 15 published in the said town, stating their intention to remove the said remains upon a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and that parties, if any, owning burial plots in the said Burial Ground will receive conveyances of 20 burial plots in said Union Cemetery, or St. George's Cemetery, corresponding in size as nearly as may be with those lots from which the remains of the dead shall have been removed, and the said corporation shall be required to procure and furnish at their own expense such conveyances, and to pay all reason-25 able expenses incurred or sustained by such relatives in the removal of said remains; and no further or other notice to the friends or relatives of the deceased shall be necessary.

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lst Reading, 30th January, 1879.

'Reprinted as Amended.)

Act respecting the Public Bury Ground in the Town of Guelph. th Session, 3rd Parliament, 42 Vic., 18

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

Mr. Massie

An Act to incorporate the City of Guelph.

HEREAS the Corporation of the Town of Guelph have, Preamble. by their petition, represented that the said town contains a population of upwards of ten thousand souls and that the said population is rapidly increasing, and that the said 5 town, by reason of its increased and extensive railway facilities, its large manufacturing and mercantile interests, and its situation in the midst of a rich agricultural district, is now, and will continue to be, an important commercial centre; and whereas the said corporation by their petition have prayed 10 that the said town might be erected into a city, to be called "The City of Guelph;" and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 15 as follows :

1. On and after the twenty-third day of April next after Guelph Incorthe passing of this Act, the said Town of Guelph shall be, and porated as a is hereby incorporated as, a city, and shall be known hereafter city, as the Corporation of the City of Guelph, and as such shall 20 enjoy and possess all the rights, powers and privileges exercised and enjoyed by all cities incorporated in the Province of Ontario.

2. The property and assets of the said Town of Guelph Property of shall belong to the City of Guelph, and all the debts, liabilities belong to 25 and obligations of the said Town of Guelph shall be assumed city. and paid by the Corporation of the said City of Guelph, and the officers and servants of the said Town of Guelph, shall until superseded in, or removed from, office by the said City Council remain the officers and servants of the said City of 30 Guelph.

3. The provisions of the municipal law relating to matters Certain processes and the other provisions of the municipal law of Ontario Law to apply shall, except so far as herein otherwise provided, apply to the Guelph.

35 said Corporation of the City of Guelph in the same manner as if the said town had been erected into a city under The Municipal Act, except that the said city shall remain subject to the jurisdiction of the county council in the same manner as a town not separated from the county, but the said city may withdraw from such jurisdiction in the same manner as a town not separated from the county, and sections twenty-

two and twenty-three, including the sub-sections thereof, of The Municipal Act are incorporated in this Act.

Present
Mayor and
council to be
that of city.

4. The present mayor and council of the said town shall be, and continue to be, the mayor and council of the said city, and shall hold office until the election of their successors as provided by this Act, and shall exercise all the rights and powers, and perform all the duties, pertaining to the offices of mayor and aldermen respectively of a city, and in the event of death, resignation, or disqualification of said mayor or any member of said council, a new election shall be held to fill the 10 vacancy under the provisions of the Municipal Act.

Council to consist of mayor and aldermen.

5. The council of the said city shall consist of a mayor, who shall be the head thereof, and twelve aldermen, two aldermen being elected for each ward; after it shall appear from any census taken as hereinafter mentioned, that the said city con-15 tains fifteen thousand inhabitants or more, then the number of aldermen shall be eighteen, three to be elected for each ward, and at the first election the qualifications for the said city and of the electors thereof shall be the same respectively as 20 required in towns, and at all subsequent elections the qualifications of the electors, mayor, aldermen, and officers, shall be the same as that required in cities.

Returning Officer.

6. John Harvey, of the said Town of Guelph, Esquire, who is now the clerk thereof, or in case of his death, or inability 25 to act, such other person as the council of the said town may by by-law to be passed before the last Monday in the month of December next appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination for the first election of mayor, and it shall be lawful for, and 30 incumbent upon, the returning officer to hold such nomination at the City Hall, in the City of Guelph, at the hour of ten o'clock in the forenoon of the said last Monday in the month of December.

Power of Returning Officer.

7. The said returning officer shall have all the powers and 35 perform all the duties of clerk of the said city until the appointment by the council thereof of some other person in his place and stead.

Deputy Returning Officers.

8. The council of the said city shall have power by by-law to be passed before the said last Monday in the month of 40 December to appoint a deputy returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of deputy returning officer in municipal elections for cities, and also by by-law to be passed within the time aforesaid to name 45 the places in each of the several wards at which the nominations of aldermen and election of mayor and aldermen shall be held in case a poll be required.

First election.

9. The said nominations for aldermen shall be held on the said last Monday in the month of December, at noon, and if a poll be required the same shall be opened on the same day of the following week, and the nominations and the election of

mayor and aldermen, shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities.

- 5 10. The last revised assessment roll and voters' list of the Voters' list said town shall be taken to be the roll and voters' list for any future election either to the municipal council or to the Legislative Assembly in the said city, until another assessment shall be made and the roll thereof shall be revised, and the voters' 10 list thereunder shall be duly made and completed.
 - 11. The several persons who shall be elected or appointed Conneil to under this Act shall take the declaration of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to take offices in cities.
- of Guelph as the case may be, may pass a by-law or by-laws bentures. for the issuing of debentures in such sum or sums and to such amounts, either in Canadian currency or sterling, as they may deem meet: Provided that such by-law or by-laws are not inconsistent with the provisions of The Municipal Act, and provided also that the said corporation, or either of them shall not issue debentures under this Act for more than a sufficient amount to retire debentures previously issued and now unpaid and outstanding, and it shall not be necessary to obtain the assent of the electors of the said town or city to the passing of any by-law under this section, notwithstanding anything contained in said Municipal Act, or any Act Amending
- 30 Act aforesaid shall be applied in the redemption of the said proceeds. debentures heretofore issued by the Town of Guelph, and for no other purpose whatever, and any officer of the city applying such proceeds for any other purpose than as herein provided shall be civilly liable for the amount.
- 35 14. Either of the corporations aforesaid may in the same or Exchange of in any other by-law, or by-laws, authorize the exchange of the debentures, debentures to be issued under this Act for the debentures already issued by the said Town of Guelph, upon such terms as may be agreed upon between the corporation and the holder of such debentures; Provided always that such new debentures Proviso.

 40 be not negotiated or exchanged at a lower sale than par.
- 15. Notwithstanding any statute to the contrary, the Police. said city council shall have power to organize or continue a police force, and to regulate and control the same and the members thereof, and to fix the salary and allowances of said 45 members, and in the said city the provisions of the said Municipal Act respecting police commissioners shall not apply or be of any effect, unless and until adopted by by-law of the said city council; but this section shall not apply or have any force or effect after it shall appear from any general 50

census, or from any census which may be taken by the assessor, or under a by-law of the municipality, that said city contains fifteen thousand inhabitants or more, and the Police Magistrate of the said City of Guelph shall not receive a salary exceeding twelve hundred dollars until it appears in the manner aforesaid that said city contains fifteen thousand inhabitants or more.

	(PR)	1st Reading,	An Act to inco	4th Session, 3rd
Mr. Massie.	(PRIVATE BILL.)	1879.	BILL. An Act to incorporate the City of Guelph.	No. 21. Parliament, 42 Vic., 1879.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the City of Guelph.

THEREAS the Corporation of the Town of Guelph have Preamble. by their petition, represented that the said town contains a population of upwards of ten thousand souls and that the said population is rapidly increasing, and that the said 5 town, by reason of its increased and extensive railway facilities, its large manufacturing and mercantile interests, and its situation in the midst of a rich agricultural district, is now, and will continue to be, an important commercial centre; and whereas the said corporation by their petition have prayed 10 that the said town might be erected into a city, to be called "The City of Guelph;" and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 15 as follows:

1. On and after the twenty-third day of April next after Town of the passing of this Act, the said Town of Guelph shall be, and Guelph Incoris hereby incorporated as, a city, and shall be known hereafter city. as the Corporation of the City of Guelph, and as such shall 20 enjoy and possess all the rights, powers and privileges which could have been exercised and enjoyed by the said City of Guelph if the same had been incorporated as a City under the provisions of "The Municipal Act" instead of under this Act.

2. The property and assets of the said Town of Guelph Property of shall belong to the City of Guelph, and all the debts, liabilities belong to and obligations of the said Town of Guelph shall be assumed city. and paid by the Corporation of the said City of Guelph, and the officers and servants of the said Town of Guelph, shall 30 until superseded in, or removed from, office by the Council of the said city, remain the officers and servants of the said City of Guelph.

3. The provisions of "The Municipal Act" relating to matters Certain proconsequent upon the formation of new municipal corporations Wisions of the Municipal 35 and the other provisions of "The Municipal Act" aforesaid Act to apply. shall, except so far as herein otherwise provided, apply to the said Corporation of the City of Guelph in the same manner as if the said town had been erected into a city under The Municipal Act.

Present
Mayor and
council to be
that of city.

4. The present mayor and council of the said town shall be, and continue to be, the mayor and council of the said city, and shall hold office until the election of their successors as provided by this Act, and shall exercise all the rights and powers, and perform all the duties, pertaining to the offices of mayor and aldermen respectively of a city, and in the event of death, resignation, or disqualification of said mayor or any member of said council, a new election shall be held to fill the vacancy under the provisions of the Municipal Act.

Council to consist of mayor and aldermen.

5. At any election in the said city held prior to the first day 10 of February next after the passage of this Act the qualification of the electors shall be the same respectively as required in towns, and at all subsequent elections the qualifications of the electors, mayor, aldermen, and officers, shall be the same as that required in cities.

Returning Officer.

6. John Harvey, of the said Town of Guelph, Esquire, who is now the clerk thereof, or in case of his death, or inability to act, such other person as the council of the said town may by by-law to be passed before the last Monday in the month of December next appoint in his stead, is hereby appointed the 20 returning officer for the purpose of holding the nomination for the first election of mayor, and it shall be lawful for, and incumbent upon, the returning officer to hold such nomination at the City Hall, in the City of Guelph, at the hour of ten o'clock in the forenoon of the said last Monday in the 25 month of December.

Power of Returning Officer.

7. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the appointment by the council thereof of some other person in his place and stead.

30

Deputy Returning Officers.

8. The council of the said city shall have power by by-law to be passed before the said last Monday in the month of December to appoint a deputy returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of 35 deputy returning officer in municipal elections for cities, and also by by-law to be passed within the time aforesaid to name the places in each of the several wards at which the nominations of aldermen and election of mayor and aldermen shall be held in case a poll be required.

First election.

9. The said nominations for aldermen shall be held on the said last Monday in the month of December, at noon, and if a poll be required the same shall be opened on the same day of the following week, and the nominations and the election of mayor and aldermen, shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities.

Voters' list.

10. The last revised assessment roll and voters' list of the said town shall be taken to be the roll and voters' list for any 50 future election either to the municipal council or to the Legis-

lative Assembly in the said city, until another assessment shall be made and the roll thereof shall be revised, and the voters' list thereunder shall be duly made and completed.

11. Notwithstanding any statute to the contrary, the Police.

5 said city council shall have power to organize or continue a police force, and to regulate and control the same and the members thereof, and to fix the salary and allowances of said members, and in the said city the provisions of the said Municipal Act respecting police commissioners shall not apply or 10 be of any effect, unless and until adopted by by-law of the said city council; but this section shall not apply or have any force or effect after it shall appear from any general census, or from any census which may be taken by the assessor, or under a by-law of the municipality, that said city contains 15 fifteen thousand inhabitants or more, and the Police Magistrate of the said City of Guelph shall not receive a salary exceeding twelve hundred dollars until it appears in the manner aforesaid that said city contains fifteen thousand inhabitants or more.

BILL.

An Act to incorporate the City of Guelph.

(Reprinted as amended.)

1st Reading, 30th January, 1879.

(PRIVATE BILL.)

Mr. MASSIE.

TORONTO
PRINTED BY HUNTER, ROSE & Co.

An Act respecting the property of the congregation of St. Mary's Roman Catholic Church, Almonte.

HEREAS the Reverend John Francis Coffee, the priest, Preamble. and members of the congregation of St. Mary's Church, in the Village of Almonte, in the County of Lanark, have shewn, by their petition, that, by an indenture, dated the fif-5 teenth day of June, in the year of our Lord one thousand eight hundred and forty, and made between Daniel Shipman, of the Township of Ramsay, in the County of Lanark, yeoman, of the one part, and the Right Reverend Renegius Gaulin, Bishop of Kingston, in the Province of Canada, and the Reverend 10 John Hugh McDonagh, at that time the priest officiating in the Roman Catholic Church, Perth, of the other part, the said party of the first part did convey unto the said party of the second part, with other lands, the following lands and premises, that is to say: All and singular that certain parcel or tract of land 15 and premises, situate, lying and being in the Township of Ramsay, in the County of Lanark, and province aforesaid, containing two acres, more or less, being a part of lot fifteen, in the north concession of the said Township of Ramsay, and which is butted and bounded, or may be otherwise known as follows: 20 Commencing at the angle of the road which comes along the centre of the concession and turns down to the mill, and running along the centre of the concession north thirty-six degrees, west four chains, forty links; then south fifty-four degrees, west four chains, forty links; then north fifty-four degrees, 25 east two chains, eighty-five links; then south thirty-six degrees, east two chains, fifty links; then south twenty degrees, west three chains twenty-four links, to the place of beginning; and more particularly known as village lot number thirty-nine, on Bridge Street, Almonte, as laid down on Bell's General Plan of 30 said Village of Almonte; to have and to hold unto the said parties of the second part, their heirs and assigns in trust, to hold the said lands as places for a church and burying ground; and in the said Indenture a power was given to the said trustees, by writing under their hands, to nominate and appoint 35 other trustees in the room and stead of the trustees so appointed; that on the said land is creeted the Roman Catholic Church, known as St. Mary's Church, Almonte; that said trustees named in said deed have both departed this life without making any appointment or exercising the power 40 above mentioned; that the said priest and congregation of said St. Mary's Church, in pursuance of the Act relating to the Property of Religious Institutions, chapter two hundred and sixteen of the Revised Statutes of Ontario, have appointed John Madden and George O'Brien, both 45 of the Village of Almonte, gentlemen; Patrick Reilly,

the same place, hotel-keeper; Francis Doherty, of the same place, tailor; Timothy Riordan, of the Yownship of Ramsay, yeoman; Patrick Slattery, of the said Village of Almonte, merchant tailor; James Dowdall, of the same place, barrister-at-law; John Slattery, of the said Village 5 of Almonte, blacksmith; and Thomas Foley, of the Township of Ramsay, yeoman; trustees of St. Mary's Roman Catholic Church, in the said Village of Almonte, as trustees in place of said trustees deceased; that the said trustees thereby appointed, had, by Indenture dated the first day of November, 10 one thousand eight hundred and seventy-eight, mortgaged the said lands to the Canada Permanent Loan and Savings Company, to secure eight thousand dollars and interest thereon, as therein set out; and whereas it was prayed in and by the said petition that an Act might be 15 passed confirming the said appointment and mortgage, and vesting the said lands in said trustees, to hold the same pursuant to and under the provisions of said recited statute; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

Appointment of trustees confirmed.

1. The appointment of the said John Madden, George O'Brien, Patrick Reilly, Francis Doherty, Timothy Riordan, 25 Patrick Slattery, James Dowdall, John Slattery and Thomas Foley as trustees of St. Mary's Roman Catholic Church, in the Village of Almonte, is hereby confirmed, and the said persons and their successors in office are hereby declared to be trustees of said church, and the said lands are hereby, and by said ap- 30 pointment are declared to have been, vested in the said trustees and their successors, for all the estate, right, title and interest therein of the said original trustees, and the said trustees and their successors shall have, and are hereby declared to have acquired by virtue of said appointment, all the powers, privi- 35 leges, and authorities in reference to said lands, which are enumerated in chapter two hundred and sixteen of the Revised Statutes of Ontario, as vested in trustees appointed under said Act, as fully and effectually as if the said trustees had been appointed under said Act, and the conveyance of said lands 40 taken directly to themselves.

Mortgage by trustees declared valid. 2. The mortgage from the said trustees to the Canada Permanent Loan and Savings Company, dated the first day of November, one thousand eight hundred and seventy-eight, and herein before referred to, is hereby ratified and con-45 firmed, and declared to be valid and binding upon said lands and said trustees, in all particulars, as fully and effectually as if the same had been executed subsequently to the passing of this Act.

Power given to trustees to assign trust.

3. The said trustees, or their successors, may, with the consent 50 of the majority of the members of the said congregation present at a meeting duly called, in the manner provided by the tenth section of the Revised Statutes of Ontario, chapter two hundred and sixteen, grant and assign the said lands to the Roman Catholic Episcopal Corporation of the Diocese of 55 Ottawa.



4th Session, 3rd Parliament, 42 Vic., 1879

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An Act respecting the property of the congregation of St. Mary's Roman Catholic Church, Almonte.

1st Reading,

1879.

PRIVATE BILL.

HON. MR. FRASER.

TORONTO:

PRINTED BY HUNTER, ROSE &Co.

An Act respecting the property of the congregation of St. Mary's Roman Catholic Church, Almonte.

THEREAS the Reverend John Francis Coffey, the priest, Preamble. and members of the congregation of St. Mary's Church, in the Village of Almonte, in the County of Lanark, have shewn, by their petition, that, by an indenture, dated the fif-5 teenth day of June, in the year of our Lord one thousand eight hundred and forty, and made between Daniel Shipman, of the Township of Ramsay, in the County of Lanark, yeoman, of the one part, and the Right Reverend Remegius Gaulin, Bishop of Kingston, in the Province of Canada, and the Reverend 10 John Hugh McDonagh, at that time the priest officiating in the Roman Catholic Church, Perth, of the other part, the said party of the first part did convey unto the said party of the second part, with other lands, the following lands and premises, that is to say: All and singular that certain parcel or tract of land 15 and premises, situate, lying and being in the Township of Ramsay, in the County of Lanark, and province aforesaid, containing two acres, more or less, being a part of lot fifteen, in the north concession of the said Township of Ramsay, and which is butted and bounded, or may be otherwise known as follows: 20 Commencing at the angle of the road which comes along the centre of the concession and turns down to the mill, and running along the centre of the concession north thirty-six degrees, west four chains, forty links; then south fifty-four degrees, west four chains, forty links; then north fifty-four degrees, 25 east two chains, eighty-five links; then south thirty-six degrees, east two chains, fifty links; then south twenty degrees, west three chains twenty-four links, to the place of beginning; and more particularly known as village lot number thirty-nine, on Bridge Street, Almonte, as laid down on Bell's General Plan of 30 said Village of Almonte; to have and to hold unto the said parties of the second part, their heirs and assigns in trust, to hold the said lands as places for a church and burying ground; and in the said Indenture a power was given to the said trustees, by writing under their hands, to nominate and appoint 35 other trustees in the room and stead of the trustees so appointed; but the Catholic Pastor of the aforesaid Town of Perth for the time being was by said Indenture, to be always one of such Trustees; that on the said land is erected the Roman Catholic Church, known as St. Mary's Church, Almonte; that 40 said trustees named in said deed have both departed this life without making any appointment or exercising the power above mentioned; that the said priest and congregation of said St. Mary's Church, in pursuance of the Act relating to the Property of Religious Institutions, chapter two hun-45 dred and sixteen of the Revised Statutes of Ontario,

Lave appointed John Madden and George O'Brien, both of the Village of Almonte, gentlemen; Patrick Reilly, of the same place, hotel-keeper; Francis Doherty, of the same place, tailor; Timothy Riordan, of the Township of Ramsay, yeoman; Patrick Slattery, of the said 5 Village of Almonte, merchant tailor; James Dowdall, of the same place, barrister-at-law; John Slattery, of the said Village of Almonte, blacksmith; and Thomas Foley, of the Township of Ramsay, yeoman; trustees of St. Mary's Roman Catholic Church, in the said Village of Almonte, as trustees in place of 10 said trustees deceased; but the Catholic Pastor of said Town of Perth, is not one of the said last mentioned Trustees that the said last mentioned trustees thereby appointed, had, by Indenture dated the first day of November, one thousand eight hundred and seventy-eight, mortgaged the said lands 15 to the Canada Permanent Loan and Savings Company, to secure eight thousand dollars and interest thereon, as therein set out the said sum of eight thousand dollars being the amount of a debt contracted in the building, repairing and otherwise permanently improving said, St. Mary's Church 20 situate on said lands; and whereas it was prayed in and by the said petition that an Act might be passed confirming the said appointment and mortgage, and vesting the said lands in said trustees, to hold the same pursuant to and under the provisions of said recited statute; and whereas it is expedient 25 to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

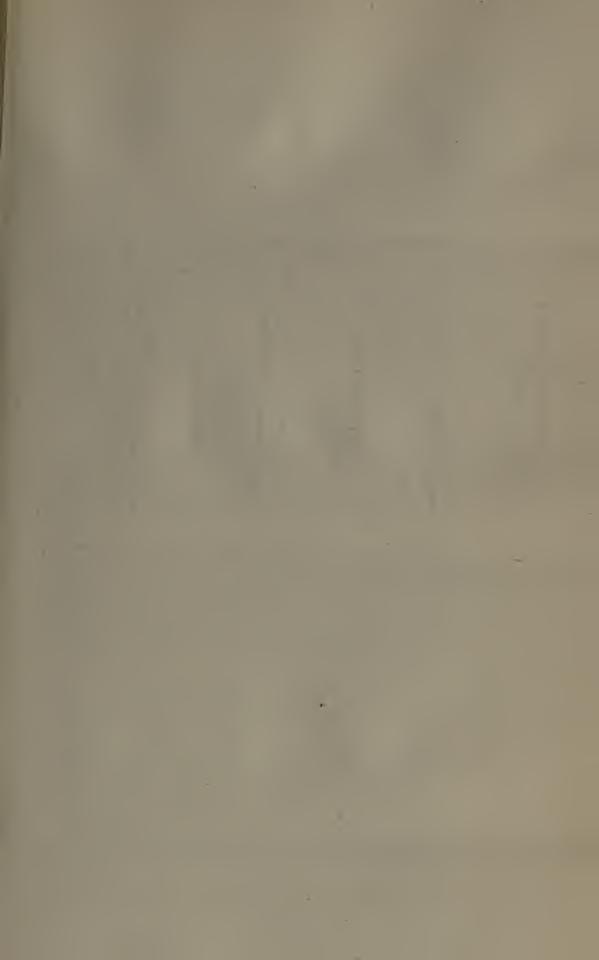
Appointment of trustees confirmed.

1. The appointment of the said John Madden, George 30 O'Brien, Patrick Reilly, Francis Doherty, Timothy Riordan, Patrick Slattery, James Dowdall, John Slattery and Thomas Foley as trustees of St. Mary's Roman Catholic Church, in the Village of Almonte, is hereby confirmed, and the said persons and their successors in office are hereby declared to be trustees 35 of said church, and the said lands are hereby, and by said appointment are declared to have been, vested in the said trustees and their successors, for all the estate, right, title and interest therein of the said original trustees, and the said trustees and their successors shall have, and are hereby declared to have 40 acquired by virtue of said appointment, all the powers, privileges, and authorities in reference to said lands, which are enumerated in chapter two hundred and sixteen of the Revised Statutes of Ontario, as vested in trustees appointed under said Act, as fully and effectually as if the said trustees had been 45 appointed under said Act, and the conveyance of said lands taken directly to themselves.

Mortgage by trustees declared valid.

- 2. The mortgage from the said trustees to the Canada Permanent Loan and Savings Company, dated the first day of November, one thousand eight hundred and seventy-eight, 50 and herein before referred to, is hereby ratified and confirmed, and declared to be valid and binding upon said lands and said trustees, in all particulars, as fully and effectually as if the same had been executed subsequently to the passing of this Act.
- S. 10 of c. 216
 R. S. O. to apply.

 3. Section ten of chapter two hundred and sixteen of the Revised Statutes of Ontario, shall apply to the said congregation.



DILL

An Act respecting the property of the congregation of St. Mary's Roman Catholic Church, Almonte.

(Reprinted as amended.)

1st Reading, 28th January, 1879.

PRIVATE BILL.

HON. MR. FRASER.

TORONTO:

An Act to incorporate the Town of Mount Forest.

HEREAS the population of the Village of Mount Forest, Preamble. in the County of Wellington, is rapidly increasing, and owing to the situation and location of the said village on the present Toronto, Grey and Bruce Railway, and also on the proposed 5 Georgian Bay and Wellington Railway, it is likely to become a large manufacturing place, and attract the trade of a large, populous and wealthy section of country; and whereas the inhabitants of the said village, at a public meeting held in the said village, passed a resolution in favour of incorporating the 10 said village as a town; and whereas the council of the said village have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulation for the protection and improvement of property, 15 and to carry out improvements they are desirous of making, and that a portion of the Townships of Arthur, Normanby and Egremont, should be included in the said town: and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent 20 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. On and after the twenty-ninth day of December next Town incorafter the passing of this Act, the said Village of Mount Forest porated, shall be and is hereby constituted a corporation or body politic 25 under the name of the Corporation of the Town of Mount Forest, and shall enjoy, and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws for the said Province.

2. The said Town of Mount Forest shall comprise and con-Limits of sist of the present Village of Mount Forest, and of lot number town. thirty-three in the first concession of the Township of Egremont, in the County of Grey, and all those portions of lots sixty-eight, sixty-nine, seventy and seventy-one adjacent to 35 the said village in the third concession of the aforesaid Township of Egremont, south of Sligo Road produced, and lot number thirty-three in the first concession of the Township of Normanby, in the aforesaid County of Grey: and of the north

half of lot number two, east of the Guelph and Owen Sound 40 Road, and the whole of lot number two, west of the Guelph and Owen Sound Road, and also lot number one in the eleventh concession, all in the Township of Arthur, in the County of Wellington.

Existing byin force.

3. All by-laws, rules and regulations which may be in force laws to remain in the Village of Mount Forest at the time of its becoming incorporated as a town under this Act shall continue and be in force as if they had been passed by the Corporation of the Town of Mount Forest; and with reference to any such by- 5 law, the mayor, for the time being of the said town, shall have and possess all the powers had or possessed by the reeve of the said village.

Existing debentures.

4. All debentures heretofore authorized under any by-law of the said Village of Mount Forest, and whether the same had 10 been issued or not, shall be valid and binding upon the said Corporation of the Town of Mount Forest.

Liabilities of village to be assumed by town.

5. The assets, debts, liabilities and obligations of the Village of Mount Forest, at the time of its incorporation as a town under this Act, shall belong to and be assumed and paid by the 15 Corporation of the Town of Mount Forest.

Power of present council.

6. The Council of the Corporation of the Village of Mount Forest shall continue to exercise all the powers and functions appertaining to, and shall be the Council of the Corporation of the Town of Mount Forest, from and after the date of incor- 20 poration as aforesaid until such time as a new council shall be elected under the provisions of this Act.

Nomination for first election.

7. On the said twenty-ninth day of December next after the passing of this Act, it shall be lawful for William Balfour, or the village clerk for the time being, who is hereby appointed 25 the returning officer, to hold the nomination for the first election of mayor, reeve and councillors (and also of a deputy reeve should the assessment roll for one thousand eight hundred and seventy-nine warrant such an election) in the council chamber in the town hall buildings in the said town of Mount 30 Forest, at the hour of noon; and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if 35 necessary, shall be held on the same day of the week in the week next following the said nomination; and the returning officer, or chairman, shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place. 40

Deputy re turning offi-

Oaths.

Powers of returning officers.

8. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the the said town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall 45 respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers, and perform all duties devolving on town clerks, with respect to muni- 50 cipal elections in towns.

9. The clerk of the said Townships of Arthur, Normanby Copy of last and Egremont, or any other proper officer thereof shall, upon mentroll to be demand made upon them, or any of them, by the said returning furnished. officer, or by the chairman hereinbefore mentioned, at once fur-

- 5 nish such returning officer, or chairman, with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, wri-
- 10 ing or deed, that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.
- 10. The council of the said town, to be elected in manner Council. aforesaid, shall consist of a mayor, who shall be the head thereof, a reeve and eight councillors, two councillors being elected for each ward, and also of a deputy reeve, as provided for in section seven of this Act; and they shall be organized as a coun-

20 cil on the same day of the week next following the week of the polling; or, if there be no polling, on the same day of the week next following the week of the nomination; and subse- Elections. quent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of

25 Ontario; and the said council, and their successors in office, Powers and shall have, use, exercise and enjoy all the powers and privileges liabilities. vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

- 11. The several persons who shall be elected or appointed Oath of office 30 under this Act shall take declarations of office and qualifica- and of qualifitions now required by the municipal laws of Ontario to be cation. taken by persons elected or appointed to like offices in towns.
- 12. At the first election of mayor, reeve, and councillors Qualifications. 35 (and deputy reeve, if entitled to such), for the said Town of Mount Forest, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.
- 13. The expenses of obtaining this Act, and of furnishing Expenses of 40 any documents, copies of papers, writings, deeds, or any mat- Act. ters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town, and paid by it to any party that may be entitled thereto.
- 14. The said Town of Mount Forest shall be divided into Wards. 45 four wards, in manner described in the Schedule to this Act, to be called respectively North Ward, East Ward, South Ward, and West Ward, which said several wards shall be respectively composed and bounded as follows:

SCHEDULE.

WARDS OF THE TOWN OF MOUNT FOREST.

North Ward—Shall comprise all that part of the said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of King Street and Main Street; thence northerly along Main Street to the northerly limit of the said town (being the limit between the said town and the second and third divisions of lot thirty-two, in the first concession of the Township of Egremont); thence easterly along said limit to the rear line of the first concession of the Township of Egremont; thence southerly along said line to the centre of Sligo Road; thence easterly along said road to the centre of the road allowance between the said town and the Township of Egremont, known as the base line road; thence southerly along said road to the centre of King Street produced; thence westerly along King Street to the place of beginning.

East Ward—Shall comprise all that part of the said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of King Street and Main Street; thence easterly along King Street produced to the centre of the road allowance between the said town and the Township of Egremont; thence southerly along said road to the centre of London Road; thence southerly along London Road to the centre of Queen Street; thence easterly along Queen Street to the limit between the said town and lots numbers one and two, in the ninth concession of the Township of Arthur; thence southerly along said limit to the limit between said town and the south half of lot number two, in the first concession of the Township of Arthur, east of the Guelph and Owen Sound Road; thence westerly along said limit to the centre of the Guelph and Owen Sound Road; thence northerly along said road fifteen chains, more or less, to that line which was the southerly limit of the Village of Mount Forest; thence westerly along the said line twelve chains and fifty links, more or less, to the centre line of John Street produced; thence northerly along said line to the centre of Queen Street; thence easterly along Queen Street to the centre of Main Street; thence northerly along Main Street to the place of beginning.

South Ward—Shall comprise that part of the said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of Main Street and Wellington Street; thence southerly along Main Street to the centre of Queen Street; thence along Queen Street to the centre of John Street; thence along John Street produced to that line which was the southerly limit of the Village of Mount Forest; thence easterly along the said line to the centre of the Guelph and Owen Sound Road; thence southerly along said road to the centre of Bentley Street; thence westerly along Bentley Street to the westerly side of Elizabeth Street; thence along the westerly side of Elizabeth Street to the limit between the said town and lot number three, in the first concession of the Town-

ship of Arthur, west of the Guelph and Owen Sound Road; thence along said limit to the limit between the said town and lot number two, in the eleventh concession of the Township of Arthur; thence northerly along said limit to that line which was the southerly limit of the Village of Mount Forest; thence easterly along said line to the centre of Cork Street; thence northerly along Cork Street to the centre of Queen Street; thence easterly along Queen Street to the centre of Wellington Street; thence easterly along Wellington Street to the place of beginning.

West Ward—Shall comprise all that part of said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of Wellington Street and Main Street; thence westerly along Wellington Street to the centre of Queen Street; thence along Queen Street to the centre of Cork Street; thence along Cork Street to that line which was the southerly limit of the Village of Mount Forest; thence westerly along said line to that line which was the easterly limit of lot number one, in the eleventh concession of the Township of Arthur; thence southerly along said line to the limit between the said town and lot number two, in the eleventh concession of the Township of Arthur; thence westerly along said limit to the centre of Lover's Lane; thence northerly along the centre of Lover's Lane to the centre of Queen Street; thence to the centre of Sligo Road; thence easterly along the centre line of Sligo Road to the limit between the said town and lots seventy-five and seventy-four, in concession "A" of the Township of Normanby; thence northerly along said limit to the limit between the said town and the second and third divisions of lot number thirty-two, in the first concession, of the Township of Normanby; thence easterly along said limit to the centre of Main Street; thence southerly along Main Street to the place of beginning.

4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act to incorporate the Town of Mount Forest.

1st Reading,

1879.

Mr. McGowan.

(PRIVATE BILL.)

TORONTO:

An Act to incorporate the Town of Mount Forest.

HEREAS the population of the Village of Mount Forest, Preamble. in the County of Wellington, is rapidly increasing, and owing to the situation and location of the said village on the present Toronto, Grey and Bruce Railway, and also on the proposed 5 Georgian Bay and Wellington Railway, it is likely to become a large manufacturing place, and attract the trade of a large, populous and wealthy section of country; and whereas the inhabitants of the said village, at a public meeting held in the said village, passed a resolution in favour of incorporating the 10 said village as a town; and whereas the council of the said village have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulation for the protection and improvement of property, 15 and to carry out improvements they are desirous of making, and that a portion of the Townships of Arthur, Normanby and Egremont, should be included in the said town: and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent 20 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. On and after the twenty-ninth day of December next Town incorafter the passing of this Act, the said Village of Mount Forest porated. shall be and is hereby constituted a corporation or body politic 25 under the name of the Corporation of the Town of Mount Forest, and shall enjoy, and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws for the said Province.

30 2. The said Town of Mount Forest shall comprise and con-Limits of sist of the present Village of Mount Forest, and of the third town. division of lot number thirty-two and the whole of lot number thirty-three in the first concession of the Township of Egremont, in the County of Grey, and of all those portions of lots 35 sixty-eight, sixty-nine, seventy and seventy-one adjacent to the said village in the third eoncession of the aforesaid Township of Egremont, south of Sligo Road produced, and of the third division of lot number thirty-two and the whole of lot number thirty-three in the first concession of the Township of 40 Normanby, in the aforesaid County of Grey: and of the first and second divisions of lot number two, east of the Guelph and Owen Sound Road, and the whole of lot number two to the centre

of Bentley Street and west of the Guelph and Owen Sound Road,

and also lot number one in the eleventh concession, all in the Township of Arthur, in the County of Wellington.

Revised Statutes respect-ing Municipal Institutions to apply.

3. Except as otherwise provided by this Act, the provisions of the Revised Statutes respecting Municipal Institutions with regard to matters consequent upon the formation of new corporations and the other provisions of the said statutes applicable to the erection of a village into a town under the said statutes and to the town so erected, shall apply to the said Town of Mount Forest, in the same manner as they would have been applicable had the said Village of Mount Forest been erected 10 into a town under the provisions of the said statutes.

Existing debentures.

4. All debentures heretofore authorized under any by-law of the said Village of Mount Forest, and whether the same had been issued or not, shall be valid and binding upon the said Corporation of the Town of Mount Forest.

Qualifications.

5. At the first election of mayor, reeve, and councillors (and deputy reeve, if entitled to such), for the said Town of Mount Forest, the qualification of electors and that of officers required to qualify shall be the same as that required in vil-20 lages by the municipal laws of Ontario.

Expenses of Act.

6. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town, and paid by it to any party that may be entitled thereto.

Town to form part of County of Wellington. 7. The said Town of Mount Forest shall for all municipal, of Wellington. judicial, electoral and school purposes and also for the purpose of registration of titles, belong to and form part of the County of Wellington.

Wards.

8. The said Town of Mount Forest shall be divided into four wards, in manner described in the Schedule to this Act, to be called respectively North Ward, East Ward, South Ward, and West Ward, which said several wards shall be respectively composed and bounded as follows:

SCHEDULE.

(See Section 8.)

WARDS OF THE TOWN OF MOUNT FOREST.

North Ward—Shall comprise all that part of the said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of King Street and Main Street; thence northerly along Main Street to the northerly limit of the said town (being the limit between the said town and the second and third divisions of lot thirty-two, in the first concession of the Township of Egremont); thence easterly along said limit to the rear line of the first concession of the Township of Egremont; thence southerly along said line to the centre of Sligo Road; thence easterly along said road to the

centre of the road allowance between the said town and the Township of Egremont, known as the base line road; thence southerly along said road to the centre of King Street produced; thence westerly along King Street to the place of beginning.

East Ward—Shall comprise all that part of the said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of King Street and Main Street; thence easterly along King Street produced to the centre of the road allowance between the said town and the Township of Egrement; thence southerly along said road to the centre of London Road; thence southerly along London Road to the centre of Queen Street; thence easterly along Queen Street to the limit between the said town and lots numbers one and two, in the ninth concession of the Township of Arthur; thence southerly along said limit to the limit between said town and the second and third division of lot number two, east of the Guelph and Owen Sound Road; thence westerly along said limit to the centre of the Guelph and Owen Sound Road; thence northerly along said road fifteen chains, more or less, to that line which was the southerly limit of the Village of Mount Forest; thence westerly along the said line twelve chains and fifty links, more or less, to the centre line of John Street produced; thence northerly along said line to the centre of Queen Street; thence easterly along Queen Street to the centre of Main Street; thence northerly along Main Street to the place of beginning.

South Ward—Shall comprise that part of the said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of Main Street and Wellington Street; thence southerly along Main Street to the centre of Queen Street; thence along Queen Street to the centre of John Street; thence along John Street produced to that line which was the southerly limit of the Village of Mount Forest; thence easterly along the said line to the centre of the Guelph and Owen Sound Road; thence southerly along said road to the centre of Bentley Street; thence westerly along Bentley Street to the westerly side of Elizabeth Street; thence along the westerly side of Elizabeth Street to the limit between the said town and lot number three, in the Township of Arthur, west of the Guelph and Owen Sound Road; thence along said limit to the limit between the said town and lot number two, in the eleventh concession of the Township of Arthur; thence northerly along said limit to that line which was the southerly limit of the Village of Mount Forest; thence easterly along said line to the centre of Cork Street; thence northerly along Cork Street to the centre of Queen Street; thence easterly along Queen Street to the centre of Wellington Street; thence easterly along Wellington Street to the place of beginning.

West Ward—Shall comprise all that part of said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of Wellington Street and Main Street; thence westerly along Wellington Street to the centre

of Queen Street; thence along Queen Street to the centre of Cork Street; thence along Cork Street to that line which was the southerly limit of the Village of Mount Forest; thence westerly along said line to that line which was the easterly limit of lot number one, in the eleventh concession of the Township of Arthur; thence southerly along said line to the limit between the said town and lot number two, in the eleventh concession of the Township of Arthur; thence westerly along said limit to the centre of Lover's Lane; thence northerly along the centre of Lover's Lane to the centre of Queen Street; thence to the centre of Sligo Road; thence easterly along the centre line of Sligo Road to the limit between the said town and lots seventy-five and seventy-four, in concession "A" and lot thirty-three in the first concession of the Township of Normanby; thence northerly along said limit to the limit between the said town and the second and third divisions of lot number thirty-two, in the first concession, of the Township of Normanby; thence easterly along said limit to the centre of Main Street; thence southerly along Main Street to the place of beginning.

PRIVATE BILL.)

Reprinted as amended.)

lst Reading, 28th January, 1879.

An Act to incorporate the Town of Mount

Forest.

TORONTO

Mr. McGowan.

th Session, 3rd Parliament,

42

Vic.,

1879

An Act to amend the Act incorporating the Hamilton and Dundas Street Railway Company.

HEREAS the Hamilton and Dundas Street Railway Preamble. Company have prayed for certain amendments of their charter, and for an extension of the powers conferred upon them thereby, and whereas it is expedient to grant the 5 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The present issue of the bonds of the said company, bear-Issue of bonds 10 ing date the fifth day of September, one thousand eight regulated. hundred and seventy-eight, and secured by mortgage regis tered in the registry office of the County of Wentworth, dated the fifth day of September, one thousand eight hundred and seventy-eight, and numbered two thousand 15 eight hundred and eighty-four in the books of the registry office for the Township of Ancaster, and securing a total amount of twenty-five thousand dollars and interest, together with any further issue of bonds to the extent, and issued in the manner, hereinafter set forth, shall be taken and con-20 sidered to be the first and preferential claim and charge upon the undertaking and property of the company, real and personal then existing, and at any time thereafter acquired, and each holder of the said bonds so issued, and to be issued, as hereinafter provided, shall be deemed to be a mortgagee and in-25 cumbrancer pro rata with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided that the further issue of bonds shall be limited to Proviso. an amount not exceeding any further subscription of capital stock bona fide subscribed for and paid in to the funds of the 30 said company, and the amount of any municipal or other bonus or gift towards the completion or extension of the said undertaking; and provided that such further issue of bonds shall Provino. not exceed in the whole the sum of twenty-five thousand dollars, and the issue thereof shall from time to time be authorized 35 by a resolution, to be passed at a meeting of the shareholders of the said company; and provided that the rate of interest Proviso. upon the said further issue of bonds shall not exceed the rate

2. The capital stock of the said company may be increased Power to in-40 to the sum of fifty thousand dollars; the additional stock hereby authorized is to be issued as and when, and at the rates, the directors of the said company may decide upon.

of eight per cent. per annum.

39 Vic., c. 87, s. 7 amended.

3. Section seven of the Act passed in the thirty-ninth year of the reign of Her Majesty Queen Victoria, chaptered eighty-seven, incorporating the said company, is hereby amended by inserting the words "Hamilton and Dundas" immediately after the words "West Flamborough," in the 5 eleventh line of the said section.

pany and Corporation of Dundas legalized

4. The agreement made between the said company and the Agreement

Letween com- Corporation of the Town of Dundas, bearing date the day of one thousand eight hundred and seventy-seven, is hereby declared to be legal and binding, and within the powers 10 of the said company and the said corporation, and the change in the course of the stream known as "Morden's" or "The Dundas Creek," referred to in the said agreement, is hereby confirmed and legalized.

Power to use a certain road allowance.

5. The said company are hereby authorized to occupy for 15 the channel of the said stream and for the purposes of their railway the easterly and unopened portion of the allowance for road between the Townships of West Flamborough and Ancaster, known as the Governor's Road, as far as the same is now located or used for the said purposes. 20

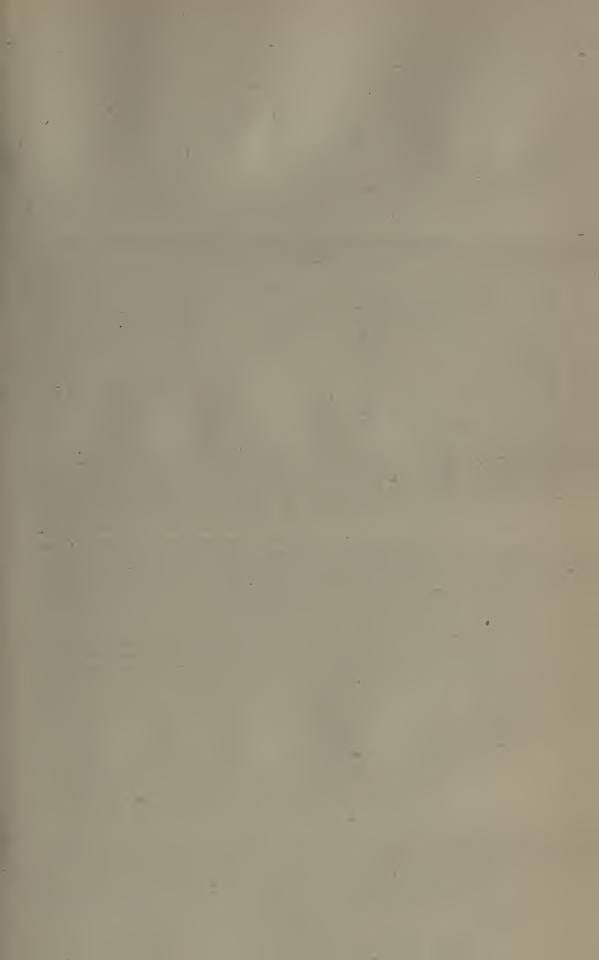
Power to construct a toll road, &c.

6. The said company are hereby authorized and empowered to construct and maintain along the route of their said road, or partially along the said route and partially along and through the lands adjacent thereto, a highway and toll road, which shall commence at the westerly limits of the City of Hamilton and 25 end at the easterly limits of the Town of Dundas; and the said company shall be subject, as to its rights and liabilities in the construction and maintenance of the said road, and the amount of toll to be taken thereon, to the provisions of chapter one hundred and fifty-two of the Revised Statutes of On- 30 tario: Provided that the said company may arrange with the municipalities of the City of Hamilton and the Town of Dundas respectively for the macadamising or gravelling and maintenance of Concession Street, in the said city, and Dundas Street, in the said town; and, in that event, the mileage of the 35 streets so macadamised or gravelled by the said company shall be calculated in fixing the amount of toll to be taken by the said company under the last mentioned Act.

Proviso.

7. The said company are hereby authorized and empowered to extend the line of their said railway through the said city, 40 and through the Townships of Barton and Saltfleet to the piers at Burlington Beach, subject always to the provisions of section seven of the said Act, passed in the thirty-ninth year of the reign of Her Majesty Queen Victoria, chaptered eighty-seven, as hereby amended.

Power to extend railway.



4th Session, 3rd Parliament, 42 Vic., 1879.

An Act to amend the Act incorporating the Hamilton and Dundas Street Railway Company.

1st Reading,

1879.

PRIVATE BILL.

MR. WILLIAMS.

TORONTO:

An Act to amend the Act incorporating the Hamilton and Dundas Street Railway Company.

HEREAS the Hamilton and Dundas Street Railway Preamble. VV Company have prayed for certain amendments of their charter, and for an extension of the powers conferred upon them thereby, and whereas it is expedient to grant the 5 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The present issue of the bonds of the said company, bear-Issue of bonds 10 ing date the fifth day of September, one thousand eight regulated. hundred and seventy-eight, and secured by mortgage registered in the registry office of the County of Wentworth, dated the fifth day of September, one thousand eight hundred and seventy-eight, and numbered two thousand 15 eight hundred and eighty-four in the books of the registry office for the Township of Ancaster, and securing a total amount of twenty-five thousand dollars and interest, together with any further issue of bonds to the extent, and issued in the manner, hereinafter set forth, shall be taken and con-20 sidered to be the first and preferential claim and charge upon the undertaking and the real property of the company, including its rolling stock and equipments, and at any time thereafter acquired subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of 25 the said bonds so issued, and to be issued, as hereinafter provided, shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof, upon Proviso. the undertaking and property of the company as aforesaid: Provided that the further issue of bonds shall be limited to 30 an amount not exceeding any further subscription of capital stock bona fide subscribed for and paid in to the funds of the said company, and the amount of any municipal or other bonus Proviso. or gift towards the completion or extension of the said undertaking; and provided that such further issue of bonds shall 35 not exceed in the whole the sum of twenty-five thousand dollars, and the issue thereof shall from time to time be authorized by a resolution, to be passed at a meeting of the shareholders of the said company; and provided that the rate of interest Proviso. upon the said further issue of bonds shall not exceed the rate 40 of eight per cent. per annum.

2. The capital stock of the said company may be increased Power to into the sum of tifty thousand dollars; the additional stock here. crease stock.

by authorized is to be issued as and when, and at the rates, the directors of the said company may decide upon.

39 Vic., c. 87, s. 7 amended.

3. Section seven of the Act passed in the thirty-ninth year of the reign of Her Majesty Queen Victoria, chaptered eighty-seven, incorporating the said company, is hereby amended by inserting the words "Hamilton and Dundas" immediately after the words "West Flamborough," in the eleventh line of the said section.

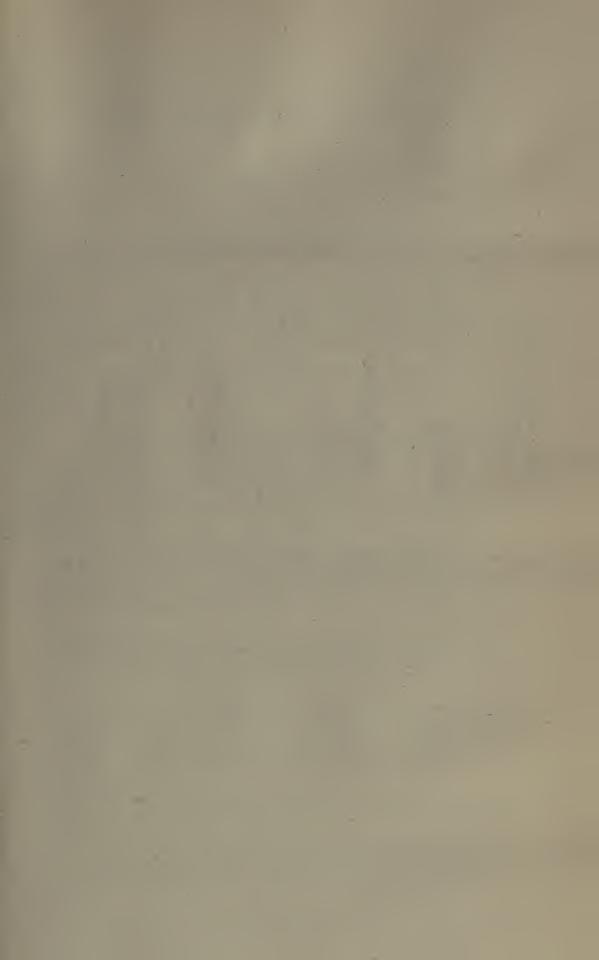
Agreement between company and Corporation of Dundas legalized. 4. The agreement made between the said company and the Corporation of the Town of Dundas, bearing date the *fifth* day 10 of *November*, one thousand eight hundred and seventy-seven, is hereby declared to be legal and binding, and within the powers of the said company and the said corporation, and the change in the course of the stream known as "Morden's" or "The Dundas Creek," referred to in the said agreement, is hereby 15 confirmed and legalized.

Power to use a certain road allowance.

5. The said company are hereby authorized to occupy for the channel of the said stream and for the purposes of their railway the easterly and unopened portion of the allowance for road between the Townships of West Flamborough and Ancas-20 ter, known as the Governor's Road, as far as the same is now located or used for the said purposes, without prejudice to the claims of any person for compensation in respect thereof.

Power to extend railway. 6. The said company are hereby authorized and empowered to extend the line of their said railway through the said city, 25 and through the Townships of Barton and Saltfleet to the piers at Burlington Beach, subject always to the provisions of section seven of the said Act, passed in the thirty-ninth year of the reign of Her Majesty Queen Victoria, chaptered eighty-seven, as hereby amended, and provided also that no portion of the 30 said railway shall be constructed upon or along Burlington Beach or over the line of pipes of the Hamilton Water Works without the permission by by-law of the Corporation of the City of Hamilton, and that the said corporation in granting such permission, shall have power to impose such restrictions 35 and conditions as the Corporation may think proper or expedient.

Proviso.



BILL.

An Act to amend the Act incorporating the Hamilton and Dundas Street Railway Company.

(Reprinted as Amended.)

1st Reading, 29th January, 1879.

(PRIVATE BILL.)

MR. WILLIAMS.

TORONTO:

An Act respecting the Leamington, Comber and Lake St. Clair Railway Company.

WHEREAS the Leamington, Comber and Lake St. Clair Preamble.
Railway Company has, by its petition, prayed for certain amendments to its charter; and whereas the municipalities whose by-laws for granting aid to the said company 5 are alone affected by this Act have assented thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 10 as follows:

- 1. The first and twentieth sections of the Act passed in the 40 Vic., chapfortieth year of the reign of her Majesty, Queen Victoria, are 72, ss. 1 and each hereby amended by striking out the words Comber and Lake therein; and hereafter the name of the company shall be 15 the Leamington and St. Clair Railway Company.
- 2. The third section of the said Act is hereby amended by 40 Vio, chapstriking out the words and continuing the same through 72, sec. 3, amended, the Townships of Mersea and Tilbury West to a point at or near the Village of Stoney Point and at or near the shores of 20 Lake St. Clair, and by inserting in lieu thereof the words "to some point at or near the shore of Lake St. Clair in either the Township of Rochester or the Township of West Tilbury, or the Township of Maidstone."
- 3. The number of directors to be elected shall be not less Directors.

 25 than five nor more than seven, as may be fixed from time to time by the by-laws of the company, and directors shall remain in office until their successors are appointed.
- 4. Shares in the company's stock, owned by corporations Rights of trus and other companies, may be held by trustees for such corportees holding shares for ations and companies, and such trustees shall have and may corporations. exercise all the powers, privileges and rights which shareholders holding shares in their own right would have or might exercise.
- 5. Sections ten and eleven of the said Act are each hereby 40 Vic., chap.

 35 amended by inserting in the third lines thereof, after the word 72, ss. 10 and Leamington, the words "or at such other place."
 - 6. The sixteenth section of the said Act is hereby amended 40 Vic., chap. by adding thereto the words "and the same shall be legal and amended."

valid notwithstanding any change that may be made in the route of the said railway, provided the route finally adopted by the said company be within the powers conferred by the charter or by the amendments thereof, and within the terms of any agreement between the municipality and the 5 company under their corporate seals."

7. The by-laws of the municipalities of

Municipal bylaws legalized debentures issued, or to be issued, under the authority of the same, are hereby declared to be legal and valid.

1st Reading,

1879.

PRIVATE BILL

An Act respecting the Leamington, Comber and Lake St. Clair Railway Company.

th Session, 3rd Parliament, 42 Vic., 1879.

TORONTO:

An Act respecting the Leamington, Comber and Lake St. Clair Railway Company.

HEREAS the Leamington, Comber and Lake St. Clair Premble. Railway Company has, by its petition, prayed for certain amendments to its charter; and whereas the municipalities whose by-laws for granting aid to the said company 5 are alone affected by this Act have assented thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

10 as follows:

1. The first and twentieth sections of the Act passed in the 40 Vic., c. 72, fortieth year of the reign of her Majesty, Queen Victoria, are amended. cach hereby amended by striking out the words "Comber and Lake" therein; and hereafter the name of the company shall be 15 the Leanington and St. Clair Railway Company.

- 2. The third section of the said Act is hereby amended by 40 Vic., c. 72, striking out the words "and continuing the same through the Townships of Mersea and Tilbury West to a point at or near the Village of Stoney Point and at or near the shores of 20 Lake St. Clair," and by inserting in lieu thereof the words "to some point at or near the shore of Lake St. Clair in either the Township of Rochester or the Township of West Tilbury, or the Township of Maidstone."
- 3. The number of directors to be elected shall be not less Directors.

 25 than five nor more than seven, as may be fixed from time to time by the by-laws of the company, and the directors shall remain in office until their successors are appointed.
- 4. Shares in the company's stock, owned by corporations Rights of trusted and other companies, may be held by trustees for such corporates for ations and companies, and such trustees shall have and may corporations. exercise all the powers, privileges and rights which shareholders holding shares in their own right would have or might exercise.
- 5. Sections ten and eleven of the said Act are each hereby 40 Vic., c. 72. 35 amended by inserting in the third lines thereof, after the word ss. 10 and 11, Leanington, the words "or at such other place."
 - 6. The sixteenth section of the said Act is hereby amended ⁴⁰ Vic., c. 72. by adding thereto the words "and the same shall be legal and"

valid notwithstanding any change that may be made in the route of the said railway, provided the route finally adopted by the said company be within the powers conferred by the charter or by the amendments thereof, and within the terms of any agreement between the municipality and the 5 company under their corporate seals."

Municipal by-

7. The by-laws of the municipalities of the Township of laws legalized. Mersea and of the Village of Leamington, granting bonuses to the said company, and the debentures issued, or to be issued, under the authority of the same, are hereby declared to be legal 10 and valid.

Aid from municipalities.

8. It shall be lawful for any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or 15 be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such portion of the municipality shall think expedient: Pro- 20 vided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for 25 the purpose and the adoption of such by-laws by the ratepayers of such portion, as provided in the Municipal Act for the creation of debts.

Proviso.

9. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month 30 after the date of such voting, the said council shall read the said by-law a third time and pass the same.

When debentures to be issued.

Council to pass by-law.

> 10. Within one month after the passing of such by-law, the said council and the reeve, or other head thereof, and the other officers thereof shall issue the debentures for the bonus 35 thereby granted, and deliver the same to the trustees appointed er to be appointed under this Act.

Rate assessed on portion of municipality.

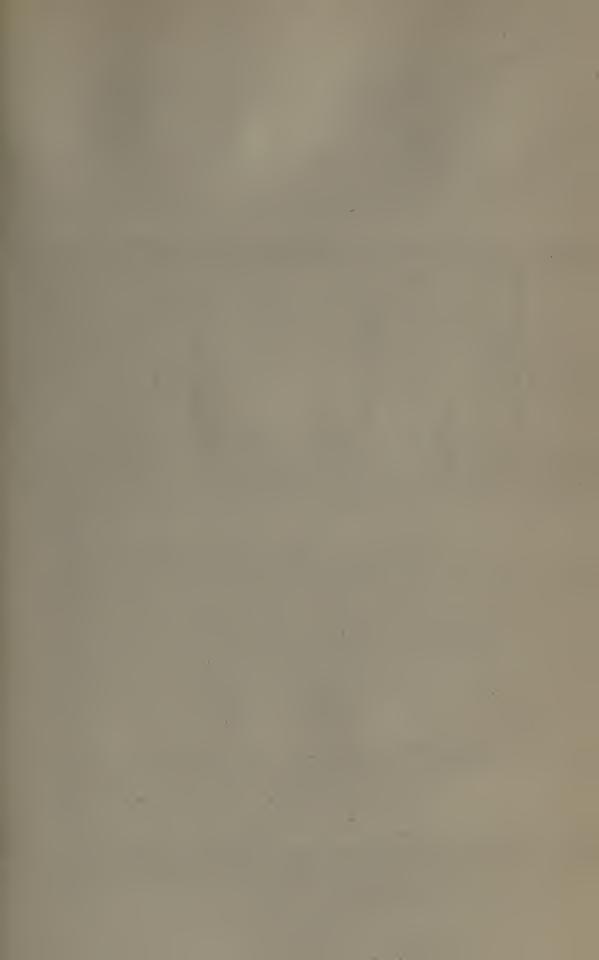
11. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and 40 levied upon such portion only of the municipality.

Municipal Act to apply.

12. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any bylaw so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole 45 municipality.

Rate not to exceed three cents on the dollar.

13. All by-laws to be submitted to such vote for granting bonuses to the said Company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected 50 thereby, shall be valid.



4th Session, 3rd Parliament, 42 Vic., 1879.

PITT

An Act respecting the Leamington, Comber and Lake St. Clair Railway Company.

(Reprinted as amended.)

1st Reading, 25th January, 1879.

(PRIVATE BILL.)

Mr. WIGLE.

TORONTO:

An Act respecting the Stratford and Huron Railway Company.

THEREAS the Stratford and Huron Railway Company Preamble. have petitioned the Legislature for certain amendments to its Act of Incorporation, and all other Acts amending the same or affecting the said railway company, by extending the main line or branches of the railway of the said company through the County of Bruce, to the northerly boundary thereof, and through the Great Manitoulin Island, and for certain other amendments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. Unless the context shall require a different interpretation Interpretation of the words hereby interpreted, in the construction of this clause. 15 Act the words "the company" shall mean the Stratford and Huron Railway Company; the words "the united company" shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the 20 reign of Her Majesty, Queen Victoria, and chaptered seventynine, and the company purchasing the railway property and rights of the other company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last mentioned Act; and the words "the railway" shall mean 25 the railway of the Stratford and Huron Railway Company.

1. Nothing in this Act contained shall affect the rank, pref- The priority of erence, or priority of the two classes of first and second preford preference
erence bonds of the company, or of the united company, as the bonds to recase may be, as between such two classes of bonds and the main unal-30 holders thereof; but each special lien by this Act attached to bonds declared to be "first preferential charges" shall be held and enjoyed by the holders thereof according to the rank, preference and priority of the said two classes of bonds;

2. The words "commencement of the railway" and "work Words "com-35 shall commence on the said railway," in this Act, in the by-mencement of laws confirmed by this Act, and in the agreements made or preted. which shall be made in pursuance of such by-laws, shall mean the actual commencement of the construction of the said railway or of the purchase of right of way therefor or some portion 40 thereof north of the Town of Listowel; Provided the purchase money for the said right of way, or some portion of such right of way, shall have been paid or tendered, but not otherwise; but the surveys of the route and the location thereof (the expenses whereof the trustees appointed by the statutes in that

behalf to receive the debentures issued by municipalities in aid of the company are authorized and required to pay out of any funds in their hands), and the purchase of right of way shall not, nor shall either of them, be, or be deemed to be, such commencement, unless and until the purchase money for 5 said right of way, or for some portion of such right of way shall have been paid or tendered, in which case such payment or tender shall be, and be deemed to be, such commencement.

Power to ex. 2. The company is hereby empowered and the rail struct and extend the railway, or construct a branch thereof, 10 2. The company is hereby empowered and authorized to construct a branch as it may deem most expedient, with all the works, stations and to the norther- equipments thereof, from the Village of Wiarton, in the County boundary of of Bruce, to any point on Tohermory Bay, or any other point Township of Bruce, to any point on Tobermory Bay, or any other point of St. Edmund, in or near the northerly boundary of the Township of St. Edand in the Great Mani. mund, in the County of Bruce, that may seem most expedient; 15 toulin Island. and from some point upon or near the easterly or southerly shore of the Great Manitoulin Island, in a westerly direction, to some point in the said The Great Manitoulin Island, or on or near the shore thereof, which may seem most expedient for establishing a terminus of the railway, or the said branch 20 thereof; and the powers, privileges and rights, by the second section of this Act conferred, shall be held, treated, construed, and considered as if they had been conferred on the company by the original Act of Incorporation thereof, and all Acts amending and affecting the same, to the same extent and for 25 all purposes, as if they had actually been inserted therein and formed part thereof.

Time for com pletion extended.

3. The time for completion of the railway and the said branch thereof, should the same be constructed as a branch, is hereby extended for a period of seven years from the passing 30 of this Act; and the failure of the company to complete, or to finish and put in operation any part of the line of railway, or of the said branch thereof, it has been authorized or empowered to construct within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its char-35 ter; and, notwithstanding such failure, the corporate existence and powers of the company shall continue, except in so far as it relates to such portion of the line of the railway, or of any branch thereof, authorized, as shall be unfinished within the time limited, or which shall be limited, for that purpose.

Power to trus-

4. Whenever the company shall have purchased rails, fish tees to pay for plates, bolts and nuts, and spikes, to the value of five thousand track supplies. dollars, and the same shall have been placed in or upon its lands, then, and so often as the same, to the value aforesaid, shall have been so placed as aforesaid, the trustees, by the statutes in 45 that behalf appointed to receive municipal debentures in aid of the company, who shall then fill the said office of trustees, or a majority of them, shall, within five days after notification in writing that such rails, fish plates, bolts and nuts and spikes have been so placed, accompanied by a certificate of the 50 engineer for the time being of the company, stating the quantity, description, and value thereof, pay to the company the amount at which the value is so stated in the said certificate, and charge the same against any portion of the fund in their hands, for what purpose or on what terms soever it may have 55 been so placed therein; and the value of the said rails, fish

plates, bolts and nuts and spikes shall be stated by the said engineer at the price actually paid therefor.

5. If the said engineer shall knowingly or wilfully certify to Penalty on enany false or incorrect statement of the quantity, description, or gineer 5 value of the said rails, fish plates, bolts and nuts and spikes, false certifihe shall, for each such false or incorrect statement, in addition to cate. any other punishment by law imposed, be liable to a penalty of five hundred dollars.

6. Forthwith upon each payment so made by the said trus-Upon payment, the rails and trust preceding section, the said rails, fish plates, and track supbolts and nuts and spikes, in respect whereof the said payment plies to vest in the trustees. shall have been made, shall vest in and become the property of the trustees. the said trustees, to be laid, used and employed upon the railway and its construction, and not otherwise or elsewhere.

15 7. Should there be any lien, charge, or incumbrance affect- Trustees to ing the said rails, fish plates, bolts and nuts and spikes, the pay off liens on same shall be paid by the said trustees out of the fund in track supplies, their hands, and to which payment the holder of the said lien, and to charge charge, or encumbrance shall be entitled in the place and stead the company.

20 of, and in substitution for, his said lien, charge, or encumbrance; and such payment by the said trustees shall, to the amount or extent thereof, be considered in all respects as a payment to the company under the fourth section of this Act.

8. Section thirty-nine of an Act passed in thirty-sixth year Sec. 39 of 36 25 of the reign of Her Majesty, Queen Victoria, and chaptered repealed, and eighty-seven, is hereby repealed, and sections nine and ten of secs. 9 and 10 this Act are substituted in the place and stead thereof.

9. It shall and may be lawful for the company, at any Power to purpoint where the railway, or any branch thereof, approaches harbours, &c. 30 within two miles of any navigable waters, to purchase and hold as its own absolute property, harbours with their appurtenances and franchises, wharves, piers, docks, water lots and lands, the said water lots and lands not to exceed in area at any one place one hundred acres; and upon the said water lots and 35 lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses, engine houses, sheds, wharves, docks, piers, and other erections for the use of

or controlled by the company, and any other steam or other 40 vessels; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such harbours, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and to dredge, deepen, and enlarge 45 such harbours; and the said harbours, wharves, piers and

the company and the steam and other vessels owned, worked

docks, water lots, lands, elevators, storehouses, warehouses, engine houses, sheds, and other crections, or any thereof, or any portion thereof, in its discretion, to sell, lease or convey.

10. It shall and may be lawful for the company to pur-Power to pur-50 chase, build, complete, fit out and charter, sell and dispose of, vessels in conwork, and control and keep in repair steam or other vessels nection with from time to time, to ply on lakes, rivers and canals of this the railway. Province; in connection with the said railway; and also to

make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals.

Certain bylaws confirmed.

11. A certain by-law of the Township of Normanby, passed by the Municipal Council thereof on the fourth day of 5 January, in the year of our Lord one thousand eight hundred and seventy-five, and entitled a by-law to aid and assist the Stratford and Huron Railway by a donation or free grant of debentures to the extent of fifty thousand dollars; a certain by-law of the Township of Wallace, passed by 10 the municipal council thereof on the thirteenth day of February, one thousand eight hundred and seventy-seven, numbered one hundred and eighty, and entitled, "A By-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of ten thousand dollars, by way of bonus, 15 and to provide for the issue of debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Town of Palmerston, passed by the municipal council thereof on the sixth day of August, one thousand eight hun- 20 dred and seventy-eight, numbered thirty-one, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of fifteen thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the 25 said debentures and the interest thereon;" a certain by-law of the Village of Harriston, passed by the municipal council thereof, on the sixteenth day of August, one thousand eight hundred and seventy-eight, numbered fifty-three, and entitled "A by-law to aid and assist the Stratford and 30 Huron Railway Company, by granting thereto the sum of twenty thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of 35 Minto, passed by the municipal council thereof on the twentieth day of August, one thousand eight hundred and seventy-eight, numbered one hundred and fifty-six, and entitled "A by-law to aid and assist the Stratford and Huron Railway, by granting thereto the sum of twenty-five thous- 40 and dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of said debentures and the interest thereon;" a certain by-law of the Township of Brant, passed by the municipal council thereof, on the third day of October, 45 one thousand eight hundred and seventy eight, numbered ten, A. D. 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of fifteen thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the 50 levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Elderslie, passed by the municipal council a certain by-law of the thereof on the twenty-fifth day of November, one thousand eight hundred and seventy eight, numbered eight, A. D. 1878, 55 and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of thirty-five thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying

of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Normanby, passed by the municipal council thereof, on the fourteenth day of August, one thousand eight hundred and 5 seventy-eight, numbered six, for A. D. 1878, and entitled "By-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of thirty thousand dollars, by way of bonus, and to issue debentures therefor, and authorize the levying of a special rate for 10 the payment of said debentures and the interest thereon;" a certain by-law of the Township of Bentinek, passed by the municipal council thereof on the thirteenth day of April, one thousand eight hundred and seventy-eight, numbered three, for A. D. 1878, and entitled "By-law to aid and assist 15 the Stratford and Huron Railway Company, by granting thereto the sum of thirty-five thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Town-20 ship of Arran, passed by the municipal council thereof, on the sixteenth day of November, one thousand eight hundred and seventy-eight, numbered eleven, 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of forty thous-25 and dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Amabel, passed by the

municipal council thereof, on the eighteenth day of November, 30 one thousand eight hundred and seventy-eight, numbered seventy-six, 1878, and entitled "A by-law to aid and assist

the Stratford and Huron Railway Company, by granting thereto debentures to the amount of forty thousand dollars, by way of bonus, and to issue debentures therefor, and

35 levying of a special rate for the payment of the said de-bentures to authorize the and the interest thereon;" a certain by-law of the Township of Keppel, passed by the municipal council thereof, on the thirtieth day of November, one thousand eight hundred and seventy-eight, numbered one

40 hundred and thirty-one, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of thirty thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and

45 the interest thereon;" and a certain by-law of the Township of Albemarle, passed by the municipal council thereof, on the twenty-third day of December, one thousand eight hundred and seventy-eight, numbered seventy, A. D. 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway

50 Company, by granting thereto debentures to the amount of ten thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" and all debentures issued, or to be issued, under each and every of

55 such by-laws shall be, and are hereby declared to be, good, valid, legal, binding and effectual; and each of the said bylaws shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof, any law, usage, or custom to the contrary notwithstanding.

Debentures issued under by-laws of Normanby, No. 10 of 1874, to be delivered to trustees.

12. The debentures issued or to be issued, under and by virtue of the by-law of the Township of Normanby, numbered ten of one thousand eight hundred and seventy-four, passed by the municipal council thereof, on the fourth day of January, one thousand eight hundred and seventy-five, and 5 in the next preceding section in part recited, shall be delivered to the trustees appointed under the statutes in that behalf to receive debentures of municipalities issued in aid of the company, and not be deposited with the Treasurer of the Province of Ontario or in one of the chartered banks of the Pro- 10 vince, as provided in the said by-law.

Schedule A in 36 Vic., cap. 87, repealed.

13. Schedule A, annexed to and forming part of an Act passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-seven, is hereby repealed and annulled; and Schedule "A," to this Act annexed, shall be 15 hereafter the schedule referred to and prescribed by section sixteen of the first mentioned Act: Provided however that all deeds and conveyances prepared and executed according to the form or effect prescribed by Schedule A, hereby annulled and repealed, shall not be affected, prejudiced, or invalidated by 20 anything in this section contained.

Power to deelare certain bonds a special lien on the

14. The directors of the company are hereby authorized and empowered, with the sanction of its shareholders first obtained at any special general meeting of the said shareholders, railway beduly called for that purpose, by resolution, to declare that the tween Listowel first bonds of the company issued after the passing of such resolution. duly called for that purpose, by resolution, to declare that the 25 tion, to the amount or extent therein mentioned, and not exceeding in the whole the sum of twelve thousand dollars per mile, for each mile in length of the railway, between the point of its intersection of the northerly boundary of the Town of Listowel 30 and the Village of Wiarton, in the County of Bruce, and in the said Village of Wiarton, shall form and be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between 35 the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton, and in the said village, prior to and in preference of all other bonds thereafter issued or to be issued by the company; and upon such resolution being passed by the said di- 40 rectors, after such sanction as aforesaid, the first bonds issued or to be issued by the company, to the extent and amount mentioned in the said resolution, shall in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth sections of an Act passed in the fortieth 45 year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, form and be taken and considered to be the first and preferential liens, claims and charges upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between 50 the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and an encumbrancer, pro 55 rata, with all the other holders of said last mentioned bonds, upon the undertaking and property of the company, real and

personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and, as between the said last 5 mentioned bonds and the holders thereof, and all other bonds which shall thereafter be issued by the company and the holders thereof, the former (the bonds first issued by the company and mentioned in said resolution) shall take rank and priority and form an incumbrance, charge and lien upon the undertak-10 ing and property of the company, real and personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village, immediately before and prior to all other 15 bonds which shall be issued by the company and not equally or simultaneously with them or any of them.

15. In case no bonds of the company forming special liens Power to deunder the next preceding section shall then have been issued, clare certain bonds of the the directors of the united company are hereby authorized and united 20 empowered, with the sanction of its shareholders first obtained company at any special general meeting of the saidshareholders duly called on the railway for that purpose, by resolution, to declare that the first bonds of the united of the united company issued after the passing of such resolu-the railway tion, to the amount or extent therein mentioned, and not ex-between Lis-25 ceeding in the whole the sum of twelve thousand dollars per towel wiarton. mile, for each mile in length of the railway of the united company between the point of its intersection of the northerly boundary of the Town of Listowel and the Village of Wiarton, in the County of Bruce, and in said Village of Wiarton, shall 30 form and be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly 35 boundary of the Town of Listowel and the said Village of Wiarton and in the said village, prior to and in preference of all other bonds thereafter issued or to be issued by the united company; and upon such resolution being passed by the said directors, after such sanction as aforesaid, the first bonds issued 40 or to be issued by the united company, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and incumbrances created and granted by the statutes affecting each company or the united company, form and be taken and considered to be the first and preferen-45 tial liens, claims and charges upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wi-50 arton and in the said village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and an incumbrancer pro rata with all the other holders of such last mentioned bonds upon the undertaking and property of the united company, real 55 and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said

village; and as between the said last mentioned bonds and the

holders thereof, and all other bonds which shall thereafter be issued by the united company and the holders thereof, the former (the bonds first issued by the united company and mentioned in said resolution) shall take rank and priority and form an incumbrance, charge and lien upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton, and in the said village, immediately before and 10 prior to all other bonds which shall be issued by the united company, and not equally or simultaneously with them or any of them.

by preceding sections.

Power under 41 Vic. cap. 54, sec. 8, 9, 10, 11 and 12 not ted or conferred by the eighth, ninth, tenth, eleventh and twelfth sections of an Act passed in the forty-first year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-four, but the said powers, rights and privileges, may be exercised and enjoyed in respect of all bonds of the company and the 20 united company, other than the bonds forming special liens under the said fourteenth and fifteenth sections of this Act, as as if the last mentioned bonds could not be issued, or if issued did not exist, and as if for the purposes of the said eighth, ninth, tenth, eleventh and twelfth sections, the bonds of the company 25 and of the united company, other than the bonds forming special liens under the said fourteenth and fifteenth sections of this Act, were the only bonds of the company or the united company as the case may be.

Sec. 13 of 41 Vic., cap. 54, to apply.

17. The thirteenth section of an Act passed in the forty-30 first year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-four, and every provision thereof shall apply to all bonds in this Act mentioned or referred to as fully and effectually as if the same had been actually re-enacted and incorporated herein. 35

Time for com-

18. Notwithstanding anything contained in, and without mencement under by-laws prejudice to the right of the company to the debentures or of the rown their proceeds, under two certain by-laws of the Township of of the Town- their proceeds, under two certain by-laws of the Township of ship of Mornington, in part recited by the twenty-fourth section of an Act passed in the forty-first year of the reign of Her Majesty, 40 Queen Victoria, and chaptered fifty-four, and other by-laws granting aid to the company, and the agreements made or which shall be made in pursuance of such by-laws, the time for the commencement of the railway and the branches thereof is hereby extended to a period of two years from the passing of this Act, and for completion to two years thereafter.

Repealing clause.

19. All sections and parts of sections of the Acts of the of the Legislature heretofore passed, in reference to the company inconsistent with this Act, are hereby repealed.

SCHEDULE A.

(Section 13.)

Know all men by these presents, that I (or we) (insert name or names of the vendor or vendors,) in consideration of

dollars paid

to me, (or us,) by the Stratford and Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey; and I, (or we,) (insert the name of the other party or parties if any) in consideration of

dollars, paid to me, (or us,) by the said company, the receipt whereof is hereby acknowledged, Do grant and release all that certain parcel (or those certain parcels, as the case may be) of land, situate (describe the land by reference to plan annexed or otherwise) the same having been selected and laid out by the said company for the purposes of its railway, to hold, with the appurtenances, unto the said the Stratford and Huron Railway Company, its successors and assigns, (here insert any other clauses, covenants or conditions required,) and I, (or we,) the wife, (or wives) of the said

do hereby bar my (or our)

dower in the said lands.

As witness my (or our) hand and seal, (or hands and seals,) this one thousand eight day of hundred and

Signed, sealed and delivered in the presence of

L.S.

26 - 3

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting the Stratford and Huron Railway Company.

1st Reading, 1879.

(PRIVATE BILL.)

Mr. Hay.

TORONTO:

PRINTED BY HUNTER, Rose & Co.

An Act respecting the Stratford and Huron Railway Company.

17 HEREAS the Stratford and Huron Railway Company Preamble. have petitioned the Legislature for certain amendments to its Act of Incorporation, and all other Acts amending the same or affecting the said railway company, by extending 5 the main line or branches of the railway of the said company through the County of Bruce, to the northerly boundary thereof, and through the Great Manitoulin Island, and for certain other amendments; and whereas it is expedient to grant the

prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. Unless the context shall require a different interpretation Interpretation of the words hereby interpreted, in the construction of this clause. 15 Act the words "the company" shall mean the Stratford and Huron Railway Company; the words "the united company" shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the 20 reign of Her Majesty, Queen Victoria, and chaptered seventynine, and the company purchasing the railway property and rights of the other company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last mentioned Act; and the words "the railway" shall mean 25 the railway of the Stratford and Huron Railway Company.

1. Nothing in this Act contained shall affect the rank, pref- The priority of erence, or priority of the two classes of first and second pref- first and second preference erence bonds of the company, or of the united company, as the bonds to recase may be, as between such two classes of bonds and the main unaltered. 30 holders thereof; but each special lien by this Act attached to bonds declared to be "first preferential charges" shall be held and enjoyed by the holders thereof according to the rank, preference and priority of the said two classes of bonds;

2. The words "commencement of the railway" and "work Words "com 35 shall commence on the said railway," in this Act, in the by- mencement of laws confirmed by this Act, and in the agreements made or preted. which shall be made in pursuance of such by-laws, shall mean the actual commencement of the construction of the said railway or of the purchase of right of way therefor or some portion 40 thereof north of the Town of Listowel; Provided the purchase money for the said right of way, or some portion of such right of way, shall have been paid or tendered, but not otherwise; but the surveys of the route and the location thereof (the expenses whereof the trustees appointed by the statutes in that

behalf to receive the debentures issued by municipalities in aid of the company are authorized and required to pay out of any funds in their hands), and the purchase of right of way shall not, nor shall either of them, be, or be deemed to be, such commencement, unless and until the purchase money for 5 said right of way, or for some portion of such right of way shall have been paid or tendered, in which case such payment or tender shall be, and be deemed to be, such commencement.

Power to ex-

2. The company is hereby empowered and authorized to contend the main struct and extend the railway, or construct a branch thereof, 10 struct a branch as it may deem most expedient, with all the works, stations and to the norther equipments thereof, from the Village of Wiarton, in the County boundary of the Township of Bruce, to any point on Tobermory Bay, or any other point of St. Edmund, in or near the northerly boundary of the Township of St. Edmund in the and in the Great Mani. mund, in the County of Bruce, that may seem most expedient; 15 Great Mani. mund, in the County of Druce, that hay start toulin Island. and from some point upon or near the easterly or southerly shore of the Great Manitoulin Island, in a westerly direction, to some point in the said The Great Manitoulin Island, or on or near the shore thereof, which may seem most expedient for establishing a terminus of the railway, or the said branch 20 thereof; and the powers, privileges and rights, by the second section of this Act conferred, shall be held, treated, construed, and considered as if they had been conferred on the company by the original Act of Incorporation thereof, and all Acts amending and affecting the same, to the same extent and for 25 all purposes, as if they had actually been inserted therein and formed part thereof.

Time for completion extended.

3. The time for completion of the railway and the said branch thereof, should the same be constructed as a branch, is hereby extended for a period of seven years from the passing 30 of this Act; and the failure of the company to complete or to finish and put in operation any part of the line of railway, or of the said branch thereof, it has been authorized or empowered to construct within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its char-35 ter; and, notwithstanding such failure, the corporate existence and powers of the company shall continue, except in so far as it relates to such portion of the line of the railway, or of any branch thereof, authorized, as shall be unfinished within the time limited, or which shall be limited, for that purpose.

Power to trus-

4. Whenever the company shall have purchased rails, fish tees to pay for plates, bolts and nuts, and spikes, to the value of five thousand track supplies. dollars, and the same shall have been placed in or upon its lands, then, and so often as the same, to the value aforesaid, shall have been so placed as aforesaid, the trustees, by the statutes in 45 that behalf appointed to receive municipal debentures in aid of the company, who shall then fill the said office of trustees, or a majority of them, shall, within five days after notification in writing that such rails, fish plates, bolts and nuts and spikes have been so placed, accompanied by a certificate of the 50 engineer for the time being of the company, stating the quantity, description, and value thereof, pay to the company the amount at which the value is so stated in the said certificate. and charge the same against any portion of the fund in their hands, for what purpose or on what terms soever it may have 55 been so placed therein; and the value of the said rails, fish

plates, bolts and nuts and spikes shall be stated by the said engineer at the price actually paid therefor.

5. If the said engineer shall knowingly or wilfully certify to Penalty on enany false or incorrect statement of the quantity, description, or gineer value of the said rails, fish plates, bolts and nuts and spikes, false certifihe shall, for each such false or incorrect statement, in addition to cate. any other punishment by law imposed, be liable to a penalty of five hundred dollars.

6. Forthwith upon each payment so made by the said trus-upon payment, the rails tees under next preceding section, the said rails, fish plates, and track supbolts and nuts and spikes, in respect whereof the said payment plies to vest in shall have been made, shall vest in and become the property of the trustees. the said trustees, to be laid, used and employed upon the railway and its construction, and not otherwise or elsewhere.

7. Should there be any lien, charge, or incumbrance affect- Trustees to ing the said rails, fish plates, bolts and nuts and spikes, the pay off liens on such rails and same shall be paid by the said trustees out of the fund in track supplies, their hands, and to which payment the holder of the said lien, and to charge their hands, and to which payment the holder of the said lien, the same to charge, or encumbrance shall be entitled in the place and stead the company. 20 of, and in substitution for, his said lien, charge, or encum-

brance; and such payment by the said trustees shall, to the amount or extent thereof, be considered in all respects as a payment to the company under the fourth section of this Act.

8. Section thirty-nine of an Act passed in thirty-sixth year Sec. 39 of 36 25 of the reign of Her Majesty, Queen Victoria, and chaptered vic., cap. 87, eighty-seven, is hereby repealed, and sections nine and ten of secs. 9 and 10 this Act are substituted in the place and stead thereof.

substituted.

9. It shall and may be lawful for the company, at any Power to purpoint where the railway, or any branch thereof, approaches harbours, &c. 30 within two miles of any navigable waters, to purchase and hold as its own absolute property, harbours with their appurtenances and franchises, wharves, piers, docks, water lots and lands, the said water lots and lands not to exceed in area at any one place one hundred acres; and upon the said water lots and 35 lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses, engine houses, sheds, wharves, doeks, piers, and other erections for the use of the company and the steam and other vessels owned, worked or controlled by the company, and any other steam or other 40 vessels; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such harbours, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and to dredge, deepen, and enlarge 45 such harbours; and the said harbours, wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine houses, sheds, and other erections, or any thereof, or

10. It shall and may be lawful for the company to pur-Power to pur-50 chase, build, complete, fit out and charter, sell and dispose of, vessels in conwork, and control and keep in repair steam or other vessels nection with from time to time, to ply on lakes, rivers and canals of this the railway. Province, in connection with the said railway; and also to

any portion thereof, in its discretion, to sell, lease or convey.

make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.

Certain bylaws confirmed.

11. A certain by-law of the Township of Normanby, passed by the Municipal Council thereof on the fourth day of 5 January, in the year of our Lord one thousand eight hundred and seventy-five, and entitled a by-law to aid and assist the Stratford and Huron Railway by a donation or free grant of debentures to the extent of fifty thousand dollars; a certain by-law of the Township of Wallace, passed by 10 the municipal council thereof on the thirteenth day of February, one thousand eight hundred and seventy-seven, numbered one hundred and eighty, and entitled, "A By-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of ten thousand dollars, by way of bonus, 15 and to provide for the issue of debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Town of Palmerston, passed by the municipal council thereof on the sixth day of August, one thousand eight hun- 20 dred and seventy-eight, numbered thirty-one, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of fifteen thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the 25 said debentures and the interest thereon;" a certain by-law of the Village of Harriston, passed by the municipal council thereof, on the sixteenth day of August, one thousand eight hundred and seventy-eight, numbered fifty-three, and entitled "A by-law to aid and assist the Stratford and 30 Huron Railway Company, by granting thereto the sum of twenty thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of 35 Minto, passed by the municipal council thereof on the twentieth day of August, one thousand eight hundred and seventy-eight, numbered one hundred and fifty-six, and entitled "A by-law to aid and assist the Stratford and Huron Railway, by granting thereto the sum of twenty-five thous- 40 and dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of said debentures and the interest thereon;" a certain by-law of the Township of Brant, passed by the municipal council thereof, on the third day of October, 45 one thousand eight hundred and seventy eight, numbered ten, A. D. 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of fifteen thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the 50 levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Elderslie, passed by the municipal council thereof on the twenty-fifth day of November, one thousand eight hundred and seventy eight, numbered eight, A. D. 1878, 55 and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of thirty-five thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying

of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Normanby, passed by the municipal council thereof, on the fourteenth day of August, one thousand eight hundred and

5 seventy-eight, numbered six, for A. D. 1878, and entitled "By-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of thirty thousand dollars, by way of bonus, and to issue debentures therefor, and authorize the levying of a special rate for 10 the payment of said debentures and the interest thereon;"

10 the payment of said debentures and the interest thereon;" a certain by-law of the Township of Bentinek, passed by the municipal council thereof on the thirteenth day of April, one thousand eight hundred and seventy-eight, numbered three, for A. D. 1878, and entitled "By-law to aid and assist

15 the Stratford and Huron Railway Company, by granting thereto the sum of thirty-five thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Town-

20 ship of Arran, passed by the municipal council thereof, on the sixteenth day of November, one thousand eight hundred and seventy-eight, numbered eleven, 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of forty thous-

25 and dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Amabel, passed by the municipal council thereof, on the eighteenth day of November,

30 one thousand eight hundred and seventy-eight, numbered seventy-six, 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of forty thousand dollars, by way of bonus, and to issue debentures therefor, and

35 levying of a special rate for the payment of the said debentures to authorize the and the interest thereon;" a certain by-law of the Township of Keppel, passed by the municipal council thereof, on the thirtieth day of November, one thousand eight hundred and seventy-eight, numbered one

40 hundred and thirty-one, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of thirty thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and

45 the interest thereon;" and a certain by-law of the Township of Albemarle, passed by the municipal council thereof, on the twenty-third day of December, one thousand eight hundred and seventy-eight, numbered seventy, A. D. 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway

50 Company, by granting thereto debentures to the amount of ten thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" and all debentures issued, or to be issued, under each and every of

55 such by-laws shall be, and are hereby declared to be, good, valid, legal, binding and effectual; and each of the said by-laws shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof, any law, usage, or custom to the contrary notwithstanding.

Debentures issuep under by-laws of to be delivered to trustees.

12. The debentures issued or to be issued, under and by virtue of the by-law of the Township of Normanby, numbered ten of one thousand eight hundred and seventy-four, passed Normanby, ten of one thousand eight hundred that South day of Janu-No. 10 of 1874, by the municipal council thereof, on the fourth day of January, one thousand eight hundred and seventy-five, and 5 in the next preceding section in part recited, shall be delivered to the trustees appointed under the statutes in that behalf to receive debentures of municipalities issued in aid of the company, and not be deposited with the Treasurer of the Province of Ontario or in one of the chartered banks of the Pro- 10 vince, as provided in the said by-law; and the municipal council of the Township of Normanby shall be at liberty not-Schedule A in withstanding any law to the contrary to issue and deliver to 36 Vic., cap. the said trustees debentures under the but have a second trustees debentures under the but have been trustees debentures. mentioned, payable twenty years from the first day of Janu- 15 ary, A.D. one thousand eight hundred and seventy-nine, and such debentures if and when so issued and delivered shall be good, valid, legal, effectual and binding upon the corporation of the said Township of Normanby.

13. Schedule A, annexed to and forming part of an Act 20 passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-seven, is hereby repealed and annulled; and Schedule "A," to this Act annexed, shall be hereafter the schedule referred to and prescribed by section sixteen of the first mentioned Act: Provided however that all 25 deeds and conveyances prepared and executed according to the form or effect prescribed by Schedule A, hereby annulled and repealed, shall not be affected, prejudiced, or invalidated by anything in this section contained.

Power to declare certain bonds a special lien on the railway be-tween Listowel and Wiarton.

> 14. The directors of the company are hereby authorized 30 and empowered, with the sanction of its shareholders first obtained at any special general meeting of the said shareholders, duly called for that purpose, by resolution, to declare that the first bonds of the company issued after the passing of such resolution, to the amount or extent therein mentioned, and not exceed- 35 ing in the whole the sum of twelve thousand dollars per mile, for each mile in length of the railway, between the point of its intersection of the northerly boundary of the Town of Listowel and the Village of Wiarton, in the County of Bruce, and in the said Village of Wiarton, shall form and be taken and considered 40 to be the first and preferential claims and charges upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of 45 Wiarton, and in the said village, prior to and in preference of all other bonds thereafter issued or to be issued by the company; and upon such resolution being passed by the said directors, after such sanction as aforesaid, the first bonds issued or to be issued by the company, to the extent and amount men- 50 tioned in the said resolution, shall in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth sections of an Act passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, form and be taken and considered to be the 55 first and preferential liens, claims and charges upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between

the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and an encumbrancer, pro rata, with all the other holders of said last mentioned bonds, upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the north-10 erly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and, as between the said last mentioned bonds and the holders thereof, and all other bonds which shall thereafter be issued by the company and the holders thereof, the former (the bonds first issued by the company 15 and mentioned in said resolution) shall take rank and priority and form an incumbrance, charge and lien upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the northerly boundary of 20 the Town of Listowel and the said Village of Wiarton and in the said village, immediately before and prior to all other bonds which shall be issued by the companyand not equally or

simultaneously with them or any of them.

15. In case no bonds of the company forming special liens Power to de 25 under the next preceding section shall then have been issued, clare certain bonds of the the directors of the united company are hereby authorized and united empowered, with the sanction of its shareholders first obtained company at any special general meeting of the said shareholders duly called on the railway for that purpose, by resolution, to declare that the first bonds of the united 30 of the united company issued after the passing of such resolu-the railway tion, to the amount or extent therein mentioned, and not ex-between Lisceeding in the whole the sum of twelve thousand dollars per towel and Wiarton. mile, for each mile in length of the railway of the united company between the point of its intersection of the northerly 35 boundary of the Town of Listowel and the Village of Wiarton, in the County of Bruce, and in said Village of Wiarton, shall form and be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the united company, real and personal and then existing and 40 at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village, prior to and in preference of all other bonds thereafter issued or to be issued by the united 45 company; and upon such resolution being passed by the said directors, after such sanction as aforesaid, the first bonds issued or to be issued by the united company, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and incumbrances created and granted 50 by the statutes affecting each company or the united company, form and be taken and considered to be the first and preferential liens, claims and charges upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where 55 the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges

and rights, be deemed to be a mortgagee and an incumbrancer 60 pro rata with all the other holders of such last mentioned bonds

upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said 5 village; and as between the said last mentioned bonds and the holders thereof, and all other bonds which shall thereafter be issued by the united company and the holders thereof, the former (the bonds first issued by the united company and mentioned in said resolution) shall take rank and priority and form an 10 incumbrance, charge and lien upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Vil-15 lage of Wiarton, and in the said village, immediately before and prior to all other bonds which shall be issued by the united company, and not equally or simultaneously with them or any of them.

to be affected by preceding sections.

Power under 41 Vic. cap. 54, sec. 8, 9, 10, not affect or prejudice the powers, rights and privileges, grantal and 12 not ted or conferred by the eighth, ninth, tenth, eleventh and twelfth that recently in the forty-first year of the reign 16. The above sections numbers fourteen and fifteen shall 20 of Her Majesty, Queen Victoria, and chaptered fifty-four, but the said powers, rights and privileges, may be exercised and 25 enjoyed in respect of all bonds of the company and the united company, other than the bonds forming special liens under the said fourteenth and fifteenth sections of this Act, as as if the last mentioned bonds could not be issued, or if issued did not exist, and as if for the purposes of the said eighth, ninth, 30 tenth, eleventh and twelfth sections, the bonds of the company and of the united company, other than the bonds forming special liens under the said fourteenth and fifteenth sections of this Act, were the only bonds of the company or the united company as the case may be. 35

Sec. 13 of 41 Vic., cap. 54, to apply.

17. The thirteenth section of an Act passed in the fortyfirst year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-four, and every provision thereof shall apply to all bonds in this Act mentioned or referred to as fully and effectually as if the same had been actually re-enacted and 40 incorporated herein.

Time for com-

18. Notwithstanding anything contained in, and without mencement under by-laws prejudice to the right of the company to the debentures or of the Town-their proceeds, under two certain by-laws of the Township of ship of Mornington, in part recited by the twenty-fourth section of an 45 Act passed in the forty-first year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-four, and other by-laws granting aid to the company, and the agreements made or which shall be made in pursuance of such by-laws, the time for the commencement of the railway and the branches thereof 50 is hereby extended to a period of two years from the passing of this Act, and for completion of the same and any portion thereof mentioned in any of said by-laws to two years thereafter.

Repealing clause.

19. All sections and parts of sections of the Acts of the 55 of the Legislature heretofore passed, in reference to the company inconsistent with this Act, are hereby repealed

SCHEDULE A.

(Section 13.)

Know all men by these presents, that I (or we) (insert name or names of the vendor or vendors,) in consideration of

dollars paid

to me, (or us,) by the Stratford and Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey; and I, (or we,) (insert the name of the other party or

parties if any) in consideration of

dollars, paid to me, (or us,) by the said company, the receipt whereof is hereby acknowledged, Do grant and release all that certain parcel (or those certain parcels, as the case may be) of land, situate (describe the land by reference to plan annexed or otherwise) the same having been selected and laid out by the said company for the purposes of its railway, to hold, with the appurtenances, unto the said the Stratford and Huron Railway Company, its successors and assigns, (here insert any other clauses, covenants or conditions required,) and I, (or we,) the wife, (or wives) of the said

do hereby bar my (or our)

dower in the said lands.

As witness my (or our) hand and seal, (or hands and seals,) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of

L.S.

26 - - 3

4th Session, 3rd Parliament, 42 Vic., 1879.

THEFT

An Act respecting the Stratford and Huron Railway Company.

(Reprinted as Amended.)

1st Reading, 29th January, 1879.

PRIVATE BILL.

MR. HAY.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

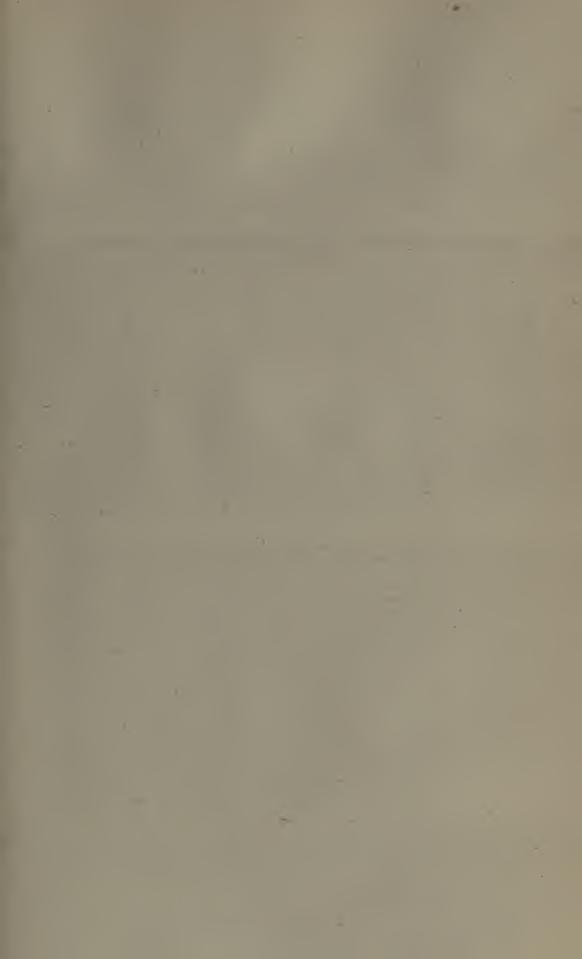
An Act to amend the boundary lines of the Town of Ingersoll.

HEREAS the Mayor and Council of the Corporation of Preamble the Town of Ingersoll have, by their petition, represented that by an Order-in-Council of the Government of the late Province of Canada, a proclamation was issued bearing 5 date the twelfth day of September, one thousand eight hundred and fifty-one, defining by metes and bounds the said corporation as a village as follows: Commencing on the southerly bank of the River Thames in the boundary line between lots numbers seventeen and eighteen 10 in the broken front concession of the Township of West Oxford; thence along the said boundary line between lots numbers seventeen and eighteen in the broken front concession and the boundary line between lots numbers seventeen and eighteen in the first concession south-easterly to the 15 middle of the depth of the said first concession; thence along the middle of the depth of the said first concession southwesterly to the boundary line between lots numbers twentytwo and twenty-three; thence along the said boundary line between lots numbers twenty-two and twenty-three north-20 westerly to the south-easterly bank of the River Thames; thence along the south-easterly bank of the said River Thames, with the stream, to a point in prolongation of the boundary line between lots numbers eight and nine in the fourth concession of the Township of North Oxford; thence 25 along the said boundary line between lots numbers eight and nine in the fourth concession of the Township of North Oxford; thence along said boundary line between lots numbers eight and nine and the prolongation thereof northerly to the northerly limit of the allowance for road between the third and 30 fourth concessions of the said Township of North Oxford; thence along the northerly limit of the said allowance for road between the third and fourth concessions easterly to the easterly limit of the allowance for road between lots numbers twelve and thirteen; thence along the east-35 erly limit of the said allowance for road between lots numbers twelve and thirteen southerly to the north-westerly Bank of the River Thames, up the stream; thence along the said north-westerly bank of the River Thames to a point in prolongation of the aforesaid boundary line between lots 40 numbers seventeen and eighteen in the broken front concession of the Township of West Oxford; thence across the said river to the place of beginning: And whereas the intention of the then petitioners, was that only one half of the said road allowance between the third and fourth

concessions and between lots numbers twelve and thirteen in the said fourth concession of the said Township of North Oxford should be embraced in the said corporation limits by said proclamation, and the error in the said description has only recently been discovered; and whereas the description hereinafter set out embracing one half of said road allowance contains the true and accurate description of the said corporation limits according to the original application, which said description the said petitioners desire to have adopted and legalized; and whereas it is expedient to grant the prayer of the said 10 petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Limits of the Town of Ingersoll defined.

1. Notwithstanding anything contained in the Royal Proclamation in the preamble of this Act mentioned, dated the twelfth 15 day of September, in the year of our Lord one thousand eight hundred and fifty-one, defining the limits of the Corporation of the Village of Ingersoll, the following description of the Town of Ingersoll shall from and after the passing of this Act be the correct boundary lines of the corporation of the said town, 20 that is to say: Commencing on the southerly bank of the River Thames being the point where the boundary line between lots seventeen and eighteen in the broken front concession of the Township of West Oxford intersects said southerly bank of said River Thames; thence along the said boundary line 25 between said lots seventeen and eighteen in the broken front concession and the boundary line between lots numbers seventeen and eighteen in the first concession of the said township, south-easterly to the middle of the depth of the said first concession; thence along the middle of the depth of the said first 30 concession south-westerly to the boundary line between lots numbers twenty-two and twenty-three in said township; thence along the said boundary line between said lots twentytwo and twenty-three north-westerly to the south-easterly bank of the said River Thames; thence along the south-east-35 erly bank of the said River Thames, with the stream, to a point in prolongation of the boundary line between lots eight and nine in the fourth concession of the Township of North Oxford (produced southerly) intersects it; thence along the said boundary line between said lots eight and nine, and the 40 aforesaid prolongation thereof (northerly) to the centre of the allowance for road between the third and fourth concessions of the Township of North Oxford aforesaid; thence along the centre line of said allowance for road between the said third and fourth concessions (easterly) until intersected by the 45 centre line of the allowance for road between lots twelve and thirteen, in the fourth concession of the Township of North Oxford aforesaid produced northerly; thence along the centre line of the road allowance between lots twelve and thirteen aforesaid and the prolongation thereof as aforesaid 50 (southerly) to the north-westerly bank of the River Thames; thence along the said north-westerly bank of the said River Thames, up the stream to a point in prolongation (north-westerly) of the aforesaid boundary line between lots seventeen and eighteen in the broken front concession of the Township 55 of West Oxford aforesaid; thence south-easterly across the said River Thames to the place of beginning.



TITTO

An Act to amend the boundary lines of the town of Ingersoll.

1st Reading,

1879.

(PRIVATE BILL.)

Hon. Mr. Crooks.

PRINTED BY HUNTER, ROSE & Co.

TORONTO:

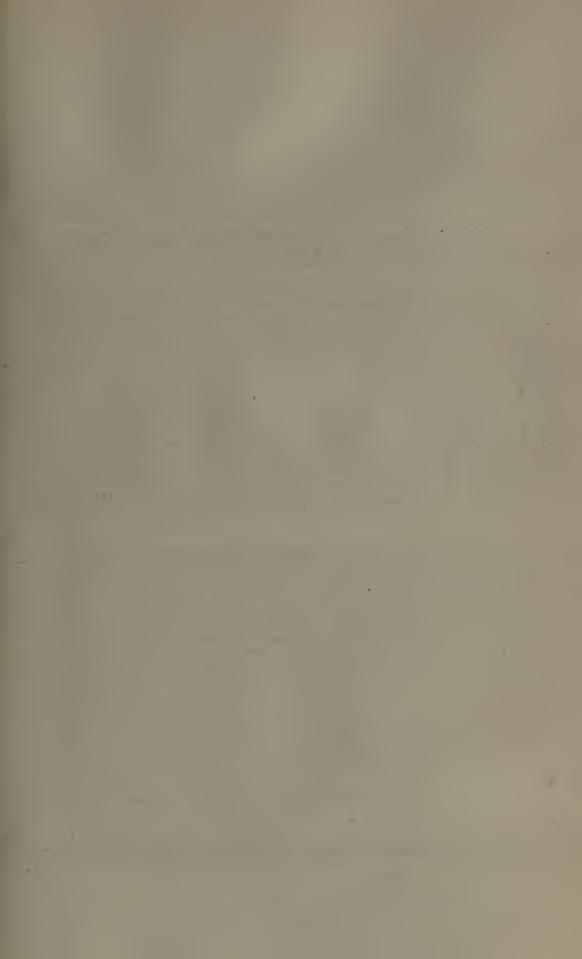
An Act to amend the boundary lines of the Town of Ingersoll.

THEREAS the Mayor and Council of the Corporation of Preamble the Town of Ingersoll have, by their petition, represented that by an Order-in-Council of the Government of the late Province of Canada, a proclamation was issued bearing 5 date the twelfth day of September, one thousand eight hundred and fifty-one, defining by metes and bounds the said corporation as a village as follows: Commencing on the southerly bank of the River Thames in the boundary line between lots numbers seventeen and eighteen 10 in the broken front concession of the Township of West Oxford; thence along the said boundary line between lots numbers seventeen and eighteen in the broken front concession and the boundary line between lots numbers seventeen and eighteen in the first concession south-easterly to the 15 middle of the depth of the said first concession; thence along the middle of the depth of the said first concession southwesterly to the boundary line between lots numbers twentytwo and twenty-three; thence along the said boundary line between lots numbers twenty-two and twenty-three north-20 westerly to the south-easterly bank of the River Thames; thence along the south-easterly bank of the said River Thames, with the stream, to a point in prolongation of the boundary line between lots numbers eight and nine in the fourth concession of the Township of North Oxford; thence 25 along the said boundary line between lots numbers eight and nine in the fourth concession of the Township of North Oxford; thence along said boundary line between lots numbers eight and nine and the prolongation thereof northerly to the northerly limit of the allowance for road between the third and 30 fourth concessions of the said Township of North Oxford; thence along the northerly limit of the said allowance for road between the third and fourth concessions easterly to the easterly limit of the allowance for road between lots numbers twelve and thirteen; thence along the east-35 erly limit of the said allowance for road between lots numbers twelve and thirteen southerly to the north-westerly Bank of the River Thames, up the stream; thence along the said north-westerly bank of the River Thanes to a point in prolongation of the aforesaid boundary line between lots 40 numbers seventeen and eighteen in the broken front concession of the Township of West Oxford; thence across the said river to the place of beginning: And whereas the intention of the then petitioners, was that only one half of the said road allowance between the third and fourth

concessions and between lots numbers twelve and thirteen in the said fourth concession of the said Township of North Oxford should be embraced in the said corporation limits by said proclamation, and the error in the said description has only recently been discovered; and whereas the description hereinafter set out embracing one half of said road allowance contains the true and accurate description of the said corporation limits according to the original application, which said description the said petitioners desire to have adopted and legalized; and whereas it is expedient to grant the prayer of the said 10 petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Limits of the Town of Ingersoll defined.

1. Notwithstanding anything contained in the Royal Proclamation in the preamble of this Act mentioned, dated the twelfth 15 day of September, in the year of our Lord one thousand eight hundred and fifty-one, defining the limits of the Corporation of the Village of Ingersoll, the following description of the Town of Ingersoll shall from and after the passing of this Act be the correct boundary lines of the corporation of the said town, 20 that is to say: Commencing on the southerly bank of the River Thames being the point where the boundary line between lots seventeen and eighteen in the broken front concession of the Township of West Oxford intersects said southerly bank of said River Thames; thence along the said boundary line 25 between said lots seventeen and eighteen in the broken front concession and the boundary line between lots numbers seventeen and eighteen in the first concession of the said township, south-easterly to the middle of the depth of the said first concession; thence along the middle of the depth of the said first 30 concession south-westerly to the boundary line between lots numbers twenty-two and twenty-three in said township; thence along the said boundary line between said lots twentytwo and twenty-three north-westerly to the south-easterly bank of the said River Thames; thence along the south-east-35 erly bank of the said River Thames, with the stream, to a point in prolongation of the boundary line between lots eight and nine in the fourth concession of the Township of North Oxford (produced southerly) intersects it; thence along the said boundary line between said lots eight and nine, and the 40 aforesaid prolongation thereof (northerly) to the centre of the allowance for road between the third and fourth concessions of the Township of North Oxford aforesaid; thence along the centre line of said allowance for road between the said third and fourth concessions (easterly) until intersected by the 45 centre line of the allowance for road between lots twelve and thirteen, in the fourth concession of the Township of North Oxford aforesaid produced northerly; thence along the centre line of the road allowance between lots twelve and thirteen aforesaid and the prolongation thereof as aforesaid 50 (southerly) to the north-westerly bank of the River Thames; thence southerly in prolongation of the centre line of the aforesaid allowance for road between lots twelve and thirteen to the south-easterly margin of the said River Thames; thence following said south-easterly margin against the stream to the place 55 of beginning.



4th Session, 3rd Parliament, 42 Vic., 1879.

Tractor

An Act to amend the boundary lines of the Town of Ingersoll.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

HON. MR. CROOKS.

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Water Works of the Town of Port Hope.

WHEREAS the Corporation of the Town of Port Hope have, Preamble. by their petition, prayed for leave to incur an indebtedness of seven thousand dollars to enable them to defray the cost, outlay and expenses of extending and enlarging the pre-5 sent water works to other parts of the town, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. Notwithstanding the provisions of the Act of the Parlia-Corporation ment of the Province of Ontario, passed in the thirty-ninth of Port Hope year of Her Majesty's reign, chaptered fifty-nine and intituled authorized to "An Act respecting the consolidated debt of the Town of Port extension of Hope," it shall and may be lawful for the Corporation of the water works.

- 15 Town of Port Hope to incur an additional indebtedness of seven thousand dollars for the purpose of extending to other parts of the town, and enlarging the present water works of the town, in such manner as the council of the said corporation may direct and think proper.
- 2. It shall and may be lawful for the said Corporation of the Issue of Town of Port Hope to issue debentures for the said sum of debentures. seven thousand dollars, such debentures to be issued and redeemable in the manner provided by the said recited Act, and the formalities, directions, regulations, powers, provisoes, conditions 25 and limitations contained and set forth in said recited Act shall apply to the debentures to be issued under this Act, and

to the redemption thereof so far as the same are not contrary

to the provisions of this Act.

- 3. It shall be lawful for the said corporation to enter into Contracts. 30 any contract with any person or persons or body corporate for the construction of such extension, enlargement or alteration of said water works as may be deemed advisable by the council of the said corporation, and on such terms as the said council shall think fit.
- 4. The debentures to be issued as aforesaid shall be in such Nature of sums as the council of the said corporation may direct, not to debentures. exceed in the whole the said sum of seven thousand dollars, and shall be payable in not more than twenty years from the date thereof, and shall bear interest at such rate not exceeding

eight per cent. per annum, as said council shall determine, such interest to be paid half-yearly according to the coupons to be attached thereto.

electors.

By-law to be 5. No debt or liability shall be incurred or debenture issued assented to by under this Act until the by-law or by-laws creating the same electors. shall have been submitted and assented to by the electors of the said town in the manner and in accordance with the provisions of the law in force respecting municipal institutions in the Province of Ontario, governing the same.

th Session, 3rd Parliament, 42 Vic.,

1879.

An Act respecting the Water Works of the Town of Port Hope.

PRIVATE BILL.

Ist

Reading,

1879.

MR. ROSEVEAR

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act relating to the Hamilton and North Western Railway Company.

WHEREAS under the provisions contained in the Act Preamble.

passed in the forty-first year of Her Majesty's reign,
chaptered forty-eight, the Hamilton and North Western Railway
Company did, within the period of one year from the passing of
that Act, decide upon the issue of the bonds authorized by the
first and third sections of that Act and did pass a by-law for the
issue of the bonds for five hundred and fifty thousand pounds
sterling money of Great Britain, authorized by such first section,
and did publish notice thereof as required by the fourth section
of that Act but only
of such bonds
numbered from
to
both inclusive, and
amounting to
pounds sterling have

amounting to pounds sterling have been duly issued, and the rest remain unissued; And whereas 15 no by-law has yet been passed for the issue of the bonds authorized by such third section, nor have such bonds or any of them been issued; and whereas the said company have now completed the whole of the Collingwood section of their railway; and whereas the shareholders at a meeting duly called,

20 and held on the day of one thousand eight hundred and seventy-adopted a basis of settlement of all matters connected with the construction of the said railway under the contracts in that behalf entered into between the company and the contractors, bearing date respec-

25 tively the twenty-seventh November, one thousand eight hundred and seventy-five, and eleventh February, one thousand eight hundred and seventy-six, and the terms of such settlement are embodied in an agreement dated the

day of one thousand eight hundred and seventy-30 between the company and the contractors, and it is thereby among other things provided and agreed that preference stock of the said company of the amount of

pounds sterling upon the issue thereof

being authorized should be issued in lieu of

pounds sterling of the company's bonds, being the bonds authorized under the first section of the said Act, which remain unissued as aforesaid to the amount of pounds sterling, money of Great

Britain, and the whole of the bonds for seventy thousand 40 pounds sterling authorized under the third section of the said Act; and whereas the company have petitioned for a confirmation of such agreement and for other powers and purposes; and whereas it is expedient to grant such petition;

Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contracts confirmed.

1. The contracts in the preamble mentioned or referred to for the construction of the said railway are hereby declared to have been properly entered into, and to have been and to be legal and valid, and the same are hereby in all respects confirmed, and the said meeting of the shareholders of the said company and their action, and resolutions thereat and the agreement in the preamble mentioned, are hereby confirmed and are declared to have been and to be legal and valid, and 10 the allotment and delivery to the contractors of the bonds, and the paid-up stock of the company, and the preference stock by this Act authorized, and the payment and delivery to the contractors of the aid received or receivable by the said company from various municipalities and from the Province of 15 Ontario, and of the moneys received or derived from these or any other sources are hereby confirmed and declared to have been and to be lawful allotments, deliveries and payments thereof respectively, and the holders of such stocks are hereby declared to hold the same with all the rights, privileges 20 and immunities conferred on or possessed by shareholders whose shares have been fully paid-up.

2. It shall be lawful for the directors of the said company

Preference stock to be issued.

and they are hereby required within months to issue preference stock of the said company to the amount of pounds sterling, in shares of ten pounds each, which shall be called and known as preference stock, and the holders of such preference stock shall have and possess the same rights and privileges and qualifications for directors and for voting and otherwise as are attached or 30 belong to ordinary shareholders, and shall have one vote for each such share, and shall be entitled to receive and be paid ratably and pari passu a dividend upon such preference stock not exceeding the rate of six per cent. per annum next after the payment of the interest on the first mortgage bonds of the 35 company, and in preference to and priority over the ordinary shareholders; the dividend on such preference stock shall be computed and reckoned from the day of one thousand eight hundred and seventy-, and shall be due on the first day of June and first day of December in each 40 year, and shall be payable two months after such dates respectively, and in case at any time or times there shall not be sufficient moneys available to pay the full dividend on such preference stock at the rate of six per cent. per annum, any such deficiency shall be made up from the moneys available at 45 any future time or times.

Issue of bonds limited.

3. The amount of first mortgage bonds of the said company which may be issued under the first section of the said recited Act is hereby limited to pounds sterling being the amount of the bonds already issued and 50 numbered as in the preamble mentioned.

41 Vic., chap. 48, sec. 3, repealed. 4. The third section of the said recited Act is hereby repealed.

5. The said company may construct an extension of their Extension railway from some point on the main line of their railway in authorized the Township of Nelson to the City of Toronto or to some

point on one of the lines of railway leading into Toronto within miles from that city, and the several clauses of the Railway Act which are referred to in the Act incorporating the said company, and all the powers conferred by such last mentioned Act and by the other Acts relating to the said company shall be taken, held and construed to apply to the extension 10 hereby authorized as fully and effectually as if the same had

10 hereby authorized as fully and effectually as if the same had been specially authorized in and by such Act of incorporation, with the exception of the provisions for the issue of bonds or preference stock, and it is hereby declared that the provisions in that behalf contained in the next succeeding

15 sections shall alone be applicable to such portion of the said railway.

6. It shall and may be lawful for the directors of the said Debenture company for the purpose of raising money for the construction stock may be and the equipment of the extension of their railway authorized pose of extension under the fifth section of this Act after the sanction of the sion. sharcholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to issue stock of the said company, to be called the Toronto Extension Debenture Stock to the amount of

each and the holders of such stock shall have and possess the same rights and privileges and qualifications for directors and for voting and otherwise as are attached or belong to ordinary shareholders and be entitled to one vote for each such share, 30 and shall be entitled to receive a dividend on such stock at a rate not exceeding six per cent. per annum.

7. Such Toronto Extension Debenture Stock may be in-How debencereased from time to time, but such increase must be sanctioned by a vote in person or by proxy of at least two-thirds in 35 amount of all the holders of such stock, at a meeting of them expressly called by the directors for that purpose by a notice in writing, to each such holder served on him personally or properly directed to him and deposited in the post office at the City of Hamilton, at least twenty days previous to such meet-40 ing, stating the time and place and object of the meeting, and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon such stock may be increased to the amount sanctioned by such a vote.

8. Such debenture stock shall, without registration or for-Debenture mal conveyance, be and be taken and considered to be a first and stock a first preferential claim and charge upon that part of the undertakentension. In and that portion of the line of railway of the said company authorized under the fifth section of this Act, and upon 50 all the lands and tenements of the said company which may be used, occupied or enjoyed in connection with such portion, or in or about the working thereof, and each holder of such stock shall be deemed to be a mortgagee and encumbrancer pro rata with all the other holders thereof; Provied, however, the n Proviso. 55 case the said company shall enter into any arrangement or

lease with any other railway company or companies for the leasing or working of their railway, which they are hereby authorized to do, then the first mortgage bonds and such debenture stock shall, during the term of such lease or arrangement, be and be taken and considered to be a first and preferential claim and charge upon the rent or money in the nature of rent or any other moneys which may be payable to the said company thereunder for securing the payment of the interest on the said first mortgage bonds and the dividends on such debenture stock respectively, during the term of such lease or ar-10 rangement.

Separate extension account to be kept.

9. A separate account shall be kept of the receipts and expenses arising from and connected with the working, management and maintenance of such extension, and the net profits therefrom, or if the said portion be leased or worked by any 15 other company or companies, then the rent or moneys which may be payable to the Hamilton and North Western Railway Company under any such lease or arrangement shall be appropriated and applied in the first place in payment to the holders of such Toronto Extension Debenture Stock rateably and pari passu 20 of the dividend for the time being on such stock and then towards forming a reserve fund of pounds sterling which shall be available only for the purpose of making up any deficiency in the dividends on such stock, and no payments shall be made out of such net profits, or out of such 25 rent or moneys payable under such lease or arrangement, as the case may be, for any other purposes of the company until and unless the amount of shall stand and remain at the credit of such reserve fund, and if at any time or times such net profits, rent or moneys so pay- 30 able, as the case may be, shall not be sufficient to pay the full dividend on such stock at the rate of six per cent, per annum then any such deficiency may be made up from the moneys at the credit of such reserve fund, or from the net profits, rent or other moneys payable as aforesaid at any future time or times. 35

Directors to issue stock as they think fit.

10. The directors may create and issue the stock authorized section hereof in such amounts and subject to the payment of such calls of such amounts and at such times and at such discount as they may think fit, or they may agree for the sale thereof or of any part thereof at such price as they 40 may think fit, and may stipulate for the payment of the purchase money by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section twenty-seven of the Railway Act of On- 45 tario, which, so far as applicable, is incorporated herewith, and the amount of every such instalment may be sued for and recovered as if it were a call due on a share within the meaning of the said Act, and the non-payment of any such instalment shall carry with it all the rights, incidents and consequences as 50 mentioned in the said Act (including forfeiture of the stock in respect of which such instalment is due) as in the case of a call due by a shareholder on a share.

11. The word "contractors," wherever used in this Act, shall Contractors be taken to mean the several persons who were or are the condefined. tractors with the company for the construction and equipment of portions of their railway under the two contracts hereinbefore mentioned.

BILL.

An Act relating to the Hamilton and North Western Railway Company.

1st Reading,

1879.

(PRIVATE BILL.)

Mr, WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act relating to the Hamilton and North Western Railway Company.

HEREAS under the provisions contained in the Act Preamble. passed in the forty-first year of Her Majesty's reign, chaptered forty-eight, the Hamilton and North Western Railway Company did, within the period of one year from the passing of 5 that Act, decide upon the issue of the bonds anthorized by the first and third sections of that Act and did pass a by-law for the issue of the bonds for five hundred and fifty thousand pounds sterling money of Great Britain, authorized by such first section, and did publish notice thereof as required by the fourth section 10 of that Act but only four thousand five hundred of such bonds numbered from one to four thousand five hundred both inclusive and amounting to four hundred and fifty thousand pounds sterling have been duly issued, and the rest remain unissued; And whereas no by-law has yet been passed for the issue of 15 the bonds authorized by such third section, nor have such bonds or any of them been issued; and whereas the said company have row completed the whole of the Collingwood section of their railway; and whereas the shareholders at a meeting duly called, and held on the twentieth day of January one thou-20 sand eight hundred and seventy-nine, adopted a basis of settlement of all matters connected with the construction of the said railway under the contracts in that behalf entered into between the company and the contractors, bearing date respectively the twenty-seventh November, one thousand eight hun-25 dred and seventy-five, and eleventh February, one thousand eight hundred and seventy-six, and the terms of such settlement are embodied in an agreement dated the twentieth day of January, one thousand eight hundred and seventy-nine, between the company and the contractors, and it is thereby 30 thereby among other things provided and agreed that preference stock of the said company of the amount of one hundred and seventy thousand pounds sterling upon the issue thereof being authorized should be issued in lieu of one hundred thousand pounds sterling of the company's bonds, being 35 the bonds authorized under the first section of the said Act, which remain unissued as aforesaid to the amount of one hundred thousand pounds sterling, money of Great Britain, and of the whole of the bonds for seventy thousand pounds sterling authorized under the third section of the said 40 Act; and whereas the company have petitioned for a confirmation of such agreement and for other powers and purposes;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 45 as follows:

and whereas it is expedient to grant such petition;

Contracts confirmed.

1. The contracts in the preamble mentioned or referred to for the construction of the said railway are hereby declared to have been properly entered into, and to have been and to be legal and valid, and the same are hereby in all respects confirmed, and the said meeting of the shareholders 5 of the said company and their action, and resolutions thereat and the agreement in the preamble mentioned, are hereby confirmed and are declared to have been and to be legal and valid, and the allotment and delivery to the contractors of the bonds, and the paid-up stock of the company, and one 10 hundred and ten thousand pounds of the preference stock by this Act authorized, and the payment and delivery to the contractors of the aid received or receivable by the said company from various municipalities and from the Province of Ontario, and of the moneys received or derived from these or 15 any other sources are hereby confirmed and declared to have been and to be lawful allotments, deliveries and payments thereof respectively, and the holders of such stocks are hereby declared to hold the same with all the rights, privileges and immunities conferred on or possessed by shareholders 20 whose shares have been fully paid-up; and it is hereby further provided that the remainy sixty thousand pounds sterling of the preference stock aforesaid shall not be delivered to or received by the contractors, but shall be and remain at the free and absolute disposal of the company for such purposes as 25 they may deem proper and fit.

Preference stock to be issued.

2. It shall be lawful for the directors of the said company and they are hereby required within three months to issue preference stock of the said company to the amount of one hundred and seventy thousand pounds sterling, in shares of ten 30 pounds each, which shall be called and known as preference stock, and the holders of such preference stock shall have and possess the same rights and privileges and qualifications for directors and for voting and otherwise as are attached or belong to ordinary shareholders, and shall have one vote for 35 each such share, and shall be entitled to receive and be paid ratably and pari passu a dividend upon such preference stock not exceeding the rate of six per cent. per annum next after the payment of the interest on the first mortgage bonds of the company, and in preference to and priority over the ordinary 40 shareholders; the dividend on such preference stock shall be computed and reckoned from the first day of December, one thousand eight hundred and seventy-eight, and shall be due on the first day of June and first day of December in each year, and shall be payable two months after such dates re- 45 spectively, and in case at any time or times there shall not be sufficient moneys available to pay the full dividend on such preference stock at the rate of six per cent. per annum, any such deficiency shall be made up from the moneys available at any future time or times. 50

Directors to

3. The directors may create and issue the preference stock for issue stock as they think fit. sixty thousand pounds in the first section mentioned in such amounts and subject to the payment of such calls of such amounts and at such times and at such discount as they may think fit, or they may agree for the sale thereof or of 55

any part thereof at such price as they may think fit, and may stipulate for the payment of the purchase money by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due in re-5 spect of a call duly made in accordance with the provisions contained in section twenty-seven of the Railway Act of Ontario, which, so far as applicable, is incorporated herewith, and the amount of every such instalment may be sued for and recovered as if it were a call due on a share within the meaning

10 of the said Act, and the non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act (including forfeiture of the stock in respect of which such instalment is due) as in the case of a call due by a shareholder on a share.

- 4. The amount of first mortgage bonds of the said company Issue of bonds which may be issued under the first section of the said recited limited. Act is hereby limited to four hundred and fifty thousand pounds sterling being the amount of the four thousand five hundred bonds already issued and numbered as in the preamble men-20 tioned.
 - 5. The third section of the said recited Act is hereby re-41 Vic., chap.
 48, sec. 3, 48, sec. 3 repealed. pealed.
- 6. The word "contractors," wherever used in this Act, shall Contractors be taken to mean the several persons who were or are the con-defined. 25 tractors with the company for the construction and equipment of portions of their railway under the two contracts hereinbefore mentioned.

4th Session, 3rd Parliament, 42 Vic., 1879

T. L.

An Aet relating to the Hamilton and North Western Railway Company.

(Reprinted us Amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

MR. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Windsor and Essex Centre Railway Company.

HEREAS the Municipal Council of the Town of Wind- Preamble. sor, in the County of Essex, and Province of Ontario, and the councils of other municipalities interested, have petitioned for the incorporation of a company, with authority to 5 construct and operate a line of railway from Essex Centre, on the line of the Canada Southern Railway, in the said county, to some point on the Detroit River, within, or adjacent to, the limits of the said Town of Windsor; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. George Wilson, Daniel Odette, John Campbell, James Incorporation. Laird, J. W. Peddie, Edward Barrett, William McGregor, 15 John McIntosh, W. E. Wagstaff, Samuel Stover and James Brien, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of The Corporate 20 Windsor and Essex Centre Railway Company.

2. The several clauses of the Railway Act of Ontario, and Certain also the several sections thereof with respect to "interpreta-Railway Act tion," "incorporation," "powers," "plans and surveys," "lands, to apply. and their valuation," "highways and bridges," "fences," 25 "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," actions for indemnity, and fines and penacies, and their prosecution," and general provisions, shall be incor-30 porated with, and be deemed to be a part of this Acc and shall apply to the said company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to 35 include the clauses of the said Railway Act and amendments thereto so incorporated with this Act.

3. The said company and their agents shall have full power Location of and authority to lay out and construct a double or single iron line. or steel railway, of such gauge as the company see fit, from any 40 point on the Detroit River, within or adjacent to the limits of the Town of Windsor, in the County of Essex, to some point on

the line of the Canada Southern Railway, at or near Essex Centre Station, with power to construct a branch or branches to the Village of Walkerville, in the Township of Sandwich East, and also power and authority to extend the main line of said railway a distance of ten miles, or thereabout, to the Village of Kingsville, on Lake Erie, in the Township of Gosfield.

Construction of wharves and warehouses.

4. The said company shall also have power to construct, on the shores of the River Detroit, or any other body of water or stream, near to the said railway, such wharves, piers, warehouses, or other works, as may be required for the use of 10 the said company.

Power to acquire boats or vessels.

5. The said company shall have power to construct, purchase, charter, and navigate boats, or vessels of any description, on said river or body of water, in order to supply facilities for traffic to be carried on said railway.

Provisional

6. The persons named in the first section of this Act shall be, and are hereby constituted, provisional directors of the said company, of whom a majority shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than five to their number, and shall hold office as such until 20 the first election of directors under this Act, and shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans 25 and surveys to be made; and to deposit in any chartered bank of Canada, or other reliable banking establishment in the said County of Essex, all money or moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company 30 any grant, loan, bonus, or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under the Railway Act of Ontario, are vested in ordinary directors; the said directors, 35 or a majority of them, or the board of directors to be elected, as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; 40 and if at any time a portion, or more than the whole stock, shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such alloca- 45 tion the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such shall best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Essex Centre, or the Town of Windsor, as may best suit the interest 50 of the company.

Form of conveyance. 7. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in Schedule

A, hereunder written, or to the like effect, and the same shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing 5 the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates en-10 dorsed on the duplicate thereof.

8. The capital stock of the said company shall be thirty Capital stock thousand dollars (with power to increase the same in the manner provided by the Railway Act), divided into three hundred shares of one hundred dollars each; and the money 15 so raised shall be applied, in the first place, to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the 20 undertaking; and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any 25 municipality which may be affected by the said railway may, by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, a sum, not ex-30 ceeding two hundred dollars, towards the preliminary expenses, which said sum, if the municipality so require, shall be refunded to such municipality from the capital stock of said company, or be allowed to it in payment of stock.

9. When and so soon as one half of the capital stock (which Election of 35 capital stock shall not be less than thirty thousand dollars) directors. shall have been subscribed, as aforesaid, and one-tenth of the amount so subscribed paid in, the said provisional directors, or a majority of them, may call a meeting of the shareholders, at such time and place as they shall think proper, giving at least 40 two weeks notice in one or more newspapers published in the Town of Windsor, at which said general meeting, and at the annual general meetings, in the following sections mentioned, the shareholders present shall elect not less than five, nor more than seven directors, in the manner, and qualified as herein-45 after provided, which directors shall constitute a board of directors, and shall hold office till the first Tuesday in June in the year following their election; and may also pass such rules and regulations and by-laws, with reference to the said company, as may be deemed expedient, provided they be not inconsistent 50 with this Act.

10. On the first Tuesday in June, and on the first Tuesday Annual meetin June in each year thereafter, at the principal office of the ings. said company, there shall be held a general meeting of the company, at which meeting the shareholders shall elect a like

number, of not less than five, or more than seven directors for the then ensuing year, in the manner hereinafter provided; and public notice of such annual meeting and election shall be published at least two weeks previously in one or more newspapers in the County of Essex; and the election of directors shall be by ballot; and the persons so elected shall form the board of directors.

Directors may make certain payments in stock or in bonds. 11. The directors to be elected by the shareholders may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engin-10 eers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who, in the opinion of a majority of the said directors, may be, or may have been, of material aid in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not.

Special meetings.

12. Special general meetings of the shareholders may be held at any time the demands of the business of the said company may require, in the Town of Windsor, or Essex Centre, in the Township of Colchester.

Ten per cent to be paid on stock. 13. No subscriptions for stock in the company shall be binding on the company, unless ten per centum of the sum subscribed has been actually paid into some chartered bank or 25 banks, to be designated by the provisional directors, pending the organization of the elected board, and by the said elected board after such organization is completed, to the credit of the company, within a period to be named by either board, as the case may be.

Quorum of directors.

Proviso.

14. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director: Provided however that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of said company, and shall have paid up the last call upon the stock.

Calls on shares.

15. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum, and the directors shall give one month's notice of such call, in such manner as they may direct.

Aid to company from government, &c. 16. The said company may receive from any government, or from any persons, or bodies corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

50

17. Any municipal corporation, or any portion of a muni- Aid from mucipality, which may be interested in securing the construction nicipalities. of said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be 5 situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the conditions hereinafter contained: Provided always that no such aid shall Proviso.

be given except after the passing of a by-law for the purpose, 10 and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of a municipality, as the case may be, as provided for in the Municipal Act for the creation of debts.

18. Such by-law shall be submitted by the municipal coun- Manner of 15 cil to the vote of the ratepayers in manner following, viz.:

- 1. The proper petition shall first be presented to the council, expressing the desire to aid the company and stating in what way, and for what amount, and the council shall, at any time within four weeks after the receipt of such petition by the 20 clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;
- 2. The petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified 25 voters, as aforesaid;
- 3. In the case of a portion of a township or municipality the petition shall be signed by fifty resident freeholders, resident within the portion or section proposing to aid the railway; and the said section or portion of the township, shall be 30 described by metes and bounds in the petition; and none others than freeholders resident within the section or portion so described shall be entitled to vote for or against such by-law;
- 4. The by-law shall provide for raising the amount so peti-35 tioned for, by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal, with interest; and for the delivery to trustees of the debentures for the amount of the said bonus, gift, or loan, at the times and on the terms specified in said petition;
- 5. For assessing and levying upon all the ratable property within the municipality, or portion of the municipality, as the case may be, an equal annual special rate, as near as may be, sufficient to include a sinking fund, for the repayment of the debentures, with interest thereon, or for the payment of the

45 said yearly instalments and interest, said interest to be payable yearly or half-yearly; which debentures the municipal eouncils, through their proper officers, are hereby authorized to execute and issue in such cases respectively: Provided that Proviso. in case the sum raised under the authority of such by-law is

50 invested in the capital stock or bonds of the said company, or loaned thereon, the council of the municipality holding such stocks or bonds may sell or dispose of the same, or part thereof, and, in such ease, shall apply the money received therefor in payment of the said debentures and interest.

19. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then, within four weeks after the date of such voting, the municipal council, which submitted the same, shall read the said by-law a sufficient number of times, and pass the same.

If by-law carried, council to pass same.

20. Within one month after the passing of such by-law, the said council, through its duly authorized officials, shall issue the debentures covered by the said by-law (which debentures shall be signed by the presiding officer of the corporation, and countersigned by the treasurer), and deliver the same to the 10 Issue of deben-trustees to be appointed under this Act.

21. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or is situate, by by-law, especially passed for that purpose, to exempt the said company and its property, within the 15 said municipality, either in whole or in part, from municipal assessment or taxation, or agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for 20 such term of years as to such municipal corporation may seem expedient, not exceeding twenty years.

Power to exempt from taxation.

> 22. It shall and may be lawful for the council of any municipality that may grant, or that has granted, a bonus, gift, or loan to the company, or the undertaking, and they shall have 25 full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses, gift, or loan.

Council may extend time when bonus, gift, or loan granted.

23. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction 30 in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Laying rails on roads and streets.

24. Whenever a municipality or municipalities shall grant a bonus to aid the said company, the debentures therefor shall, 35 within one month after the passing of the by-law, be delivered to three trustees, one of whom shall be named by the company, one by the municipalities granting such bonuses, and one by Municipal de- the Lieutenant Governor in Council: Provided always that if the municipal council or councils interested shall refuse or ne- 40 glect to name a trustee within two weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name and appoint such trustee; in the event of the death, resignation, or inability or refusal to act on the part of any trustee, the party who originally ap- 45 pointed such trustee so dying or resigning, or becoming incapable or unwilling to act, may appoint a successor, and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee. 50

bentures, delivery to trustees.

Proviso.

25. The said trustees shall receive the said debentures in Trusts of detrust: Firstly, to deposit the same in some chartered bank of bentures. the Dominion, in the Town of Windsor aforesaid; secondly, to convert the same, or any of them, into money whenever re-5 quired to do so by the directors of the company, but subject to the conditions of the by-law in relation thereto, as to time and manner, and to deposit the amounts realized from the sale thereof in such bank, in the name of the "Windsor and Essex Centre Railway Company Trust Account," and to pay the same 10 out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in

Schedule "B," hereto, or to the like effect, setting out in such certificate the portion of the railway to which the money to be paid out is applied, and the total amount expended on such 15 portion to the date of the certificate, and such certificate shall be attached to the cheque to be drawn by the said trustees.

26. The act of any two of such trustees shall be as valid Act of two trustees binding. and binding as if the three had agreed.

27. The directors of the said company, after the sanction Power to issue 20 of the shareholders or a majority thereof shall have first been preferential bonds. obtained at any special general meeting, to be called from time to time for such purpose or purposes shall have power to issue bonds, not exceeding ten thousand dollars per mile of said railway, made and signed by the president of the said

25 company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertak-

30 ing and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the holders thereof, upon the undertaking and the property of the company as aforesaid:

35 Provided that in the event at any time of the interest upon Proviso. the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the rights, privileges and qualifications for directors and for voting as are attached to share-

40 holders: Provided further that the bonds and any transfers Proviso. shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

45 28. All such bonds, debentures, and other securities, and Bonds, etc., transferable coupons and interest warrants thereon respectively may be by delivery made payable to bearer and transferable by delivery, and any holder of any such, so made payable to bearer, may sue at law thereon in his own name.

29. The said company shall have power and authority to Power to bebecome parties to promissory notes and bills of exchange, and come parties to notes, etc. any such promisory note or bill of exchange made or endorsed

by the president or vice-president of the company and countersigned by the secretary of the said company, and under authority of a quorum of the directors, shall be binding on the said company; and every such note or bill so made shall be presumed to have been made with proper authority, until 5 the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such note or bill, nor shall the president, vice president, or the secretary, be individually responsible for the same, unless the said note or notes, bill or bills, have not been issued with the sanction and 10 authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Power to ac quire whole fice.

30. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, for gravel pits or for shuntlots though curing sumcient lands for stations, for graver provided suless would suffing of cars, maintaining or using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is run, the company can obtain at a more 20 reasonable price or to greater advantage than by purchasing the allowance for the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or any part thereof from time to 25 time as they may deem expedient.

Power to pledge bonds.

31. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the power of this Act, to issue for the construction of this railway.

Contracts with other companies.

32. The said company shall have power to lease from any equipment company or other body, any rolling stock that may be required for use on the said railway, and may, with the sanction of a majority of the shareholders, obtained at a special meeting called for that purpose, make any contract or agree- 35 ment with any person or corporation, domestic or foreign.

Telegraph lines.

33. For the purpose of constructing, working, or protecting, the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies are 40 hereby conferred on the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said company.

34. Aliens and companies incorporated abroad, as well as 45 British subjects and corporations may be shareholders in the porations may be shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. 50 35. The said company shall have power to collect and receive all charges subject to which goods or commodities may on freight. come into their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

36. This railway shall be commenced within three years Commence-ment and completed within five years from the final passing of pletion of rail-this Act.

SCHEDULE "A."

(See Section 7.)

Know all men by these presents that I (or we) (insert also the name of wife or any person who may be a party) in consideration of—— dollars paid to me (or as the case may be) by the "Windsor and Essex Centre Railway Company," the receipt whereof is hereby acknowledged, do grant and convey and I, the said——do grant and release or do bar my dower in (as the case may be) of land, (describe the land) the same having been selected and laid out by the said Company for the purpose of their Railway to hold with the appurtenances unto the said "Windsor and Essex Centre Railway Company," their successors and assigns.

As witness my (or our) hand and seal (or hands and seals), this—day of——one thousand eight hundred and Signed, sealed, and delivered [L. S.]

in the presence of

SCHEDULE "B."

(See Section 25.)

The Windsor and Essex Centre Railway Company's Office, Engineer's Department,

A. D. 18.

Certificate to be attached to cheques on the "Windsor and Essex Centre Railway Municipal Trust Account" and given under section of cap. 42 Vic.,

I—Chief Engineer of the Windsor and Essex Centre Railway Company do hereby certify that there has been expended in the construction of mile No.—(the said mileage being numbered consecutively from No. to No.) the sum of dollars to date, and that the total pro rata amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which sum of dollars is due and payable under this Act.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to incorporate the Windsor and Essex Centre Railway Company.

1st Reading.

1879.

PRIVATE BILL.

Mr. WHITE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Windsor and Essex Centre Railway Company.

WHEREAS the Municipal Council of the Town of Wind-Preamble.
sor, in the County of Essex, and the councils of other
municipalities interested, have petitioned for the incorporation
of a company, with authority to construct and operate a line
5 of railway from Essex Centre, on the line of the Canada
Southern Railway, in the said county, to some point on the
Detroit River, within, or adjacent to, the limits of the said
Town of Windsor; and whereas it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. George Wilson, Daniel Odette, John Campbell, James Incorporation. Laird, J. W. Peddie, Edward Barrett, William McGregor, 15 John McIntosh, W. E. Wagstaff, Samuel Stover, D. B. Odette, John A. H. Campbell, and James Brien, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body 20 corporate and politic, by the name of The Windsor and Essex Corporate Centre Railway Company.

name.

- 2. The several clauses of the Railway Act of Ontario, and Certain also the several sections thereof with respect to "interpreta-clauses of the Railway Kerlin," "incorporation," "powers," "plans and surveys," "lands, to apply.

 25 and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," working of the railway," "actions for indemnity, and fines and penalties, and their prosecution," and general provisions, shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and amendments thereto so incorporated with this Act.
- 3. The said company and their agents shall have full power Location of and authority to lay out and construct a double or single iron line.

 40 or steel railway, of such gauge as the company see fit, from any

point on the Detroit River, within or adjacent to the limits of the Town of Windsor, in the County of Essex, to some point on the line of the Canada Southern Railway, at or near Essex Centre Station, with power to construct a branch or branches to the Village of Walkerville, in the Township of Sandwich East, and also power and authority to extend the main line of said railway a distance of ten miles, or thereabout, to the Village of Kingsville, on Lake Erie, in the Township of Gosfield.

Construction warehouses.

4. The said company shall also have power to construct, on of wharves and the shores of the River Detroit, or any other body of water or 10 stream, near to the said railway, such wharves, piers, warehouses, or other works, as may be required for the use of the said company.

Power to acquire boats or

5. The said company shall have power to construct, purchase, charter, and navigate boats, or vessels of any descrip- 15 tion, on said river or body of water, in order to supply facilities for traffic to be carried on said railway, or in connection with such railway.

Provisional directors.

6. The persons named in the first section of this Act shall be, and are hereby constituted, provisional directors of the said 20 company, of whom a majority shall be a quorum, and shall. have power to fill vacancies occurring, and to add not more than five to their number, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books, and procure subscriptions 25 of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada, or other reliable banking establishment in the said 30 County of Essex, all money or moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus, or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the 35 conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under the Railway Act of Ontario, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected, as hereinafter mentioned, may, in their discretion, exclude any one 40 from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion, or more than the whole stock, shall have been subscribed, the said provisional directors, or 45 board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such shall 50 best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Essex Centre, or the Town of Windsor, as may best suit the interest of the company.

7. Conveyances of lands to the said company for the pur- Form of conposes of this Act may be made in the form set out in Schedule A, hereunder written, or to the like effect, and the same shall be sufficient conveyance to the said company, their successors 5 and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled 10 to more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

8. The capital stock of the said company shall be fifty Capital stock. thousand dollars (with power to increase the same in the man-15 ner provided by the Railway Act), divided into three hundred shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and 20 estimates connected with works the hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining the said railway, and otherwise generally for the purposes 25 of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway may, by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal cor-30 poration, authorize the treasurer of such municipality to pay out of the general funds of such municipality, a sum, not exceeding two hundred dollars, towards the preliminary expenses, which said sum, if the municipality so require, shall be refunded to such municipality from the capital stock of said company, 35 or be allowed to it in payment of stock.

9. When and so soon as one half of the capital stock (which Election of capital stock shall not be less than fifty thousand dollars) shall have been subscribed, as aforesaid, and one-tenth of the amount so subscribed paid in, the said provisional directors, or 40 a majority of them, may call a meeting of the shareholders, at such time and place as they shall think proper, giving at least two weeks notice in one or more newspapers published in the Town of Windsor, at which said general meeting, and at the annual general meetings, in the following sections mentioned, 45 the shareholders present shall elect not less than five, nor more than seven directors, in the manner, and qualified as hereinafter provided, which directors shall constitute a board of directors, and shall hold office till the first Tuesday in June in the year following their election; and may also pass such rules and 50 regulations and by-laws, with reference to the said company, as may be deemed expedient, provided they be not inconsistent with this Act.

10. On the first Tuesday in June, and on the first Tuesday Annual meetin June in each year thereafter, at the principal office of the ings.

said company, there shall be held a general meeting of the company, at which meeting the shareholders shall elect a like number, of not less than five, or more than seven directors for the then ensuing year, in the manner hereinafter provided; and public notice of such annual meeting and election shall be published at least two weeks previously in one or more newspapers in the County of Essex; and the election of directors shall be by ballot; and the persons so elected shall form the board of directors.

Directors may make certain payments in stock or in bonds. 11. The directors to be elected by the shareholders may pay, 10 or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the pro-15 moters or other persons who, in the opinion of a majority of the said directors, may be, or may have been, of material aid in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not.

Special meetings.

12. Special general meetings of the shareholders may be held at any time the demands of the business of the said company may require, in the Town of Windsor, or Essex Centre, in the Township of Colchester.

Ten per cent to be paid on stock. 13. No subscriptions for stock in the company shall be 25 binding on the company, unless ten per centum of the sum subscribed has been actually paid into some chartered bank or banks, to be designated by the provisional directors, pending the organization of the elected board, and by the said elected board after such organization is completed, to the credit of the 30 company, within a period to be named by either board, as the case may be.

Quorum of directors.

Proviso.

14. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director: Provided how-35 ever that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of said company, and shall have paid up the last call upon the stock.

Calls on shares. 15. The directors may at any time call upon the sharehold-40 ers for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum, and the directors shall give one month's notice of such call, in such manner as they may direct 45.

Aid to company from government, &c.

16. The said company may receive from any government. or from any persons, or bodies corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, 50 or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

17. It shall be lawful for any municipality, or any por-Aid from mution of any township municipality which may be inter-nicipalities. ested in securing the construction of the said railway, or through any part of which, or near which, the railway or works 5 of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in

such manner and to such extent as such municipality shall 10 think expedient: Provided always, that when such bonds or Proviso. debentures are granted by a portion of the township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such

aid, loan, bonus or guarantee shall be given, except after the 15 passing of by-laws for the purpose and the adoption of such bylaws by the ratepayers, as provided in the Municipal Act for the creation of debts.

18. In the case of a county municipality the petition shall Petitions for be that of a majority of the reeves and deputy reeves, or of aid by county municipality. 20 twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act.

19. In case fifty persons, at least, rated on the last revised Petitions for assessment roll of any municipality other than a county muni- aid by other than county 25 cipality as freeholders who may be qualified voters under the municipality. Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire 30 to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are quali-35 fied voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the 40 construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to

municipality; 1. For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or by annual 50 instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at

grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval 45 of the qualified voters of the said portion of such township

the time and on the terms specified in the said petition; 2. For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal an-55 nual special rate, as near as may be, sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Council to pass by-law.

20. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

When debentures to be issued.

21. Within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof shall issue the debentures 10 for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate assessed on portion of municipality. 22. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and 15 levied upon such portion only of the municipality.

Municipal Act to supply.

23. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole muni- 20 cipality.

Rate not to exceed three cents on the dollar. 24. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected 25 thereby, shall be valid.

Power to exempt from taxation.

25. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law, especially passed for that purpose, to exempt the said company and its property, within the 30 said municipality, either in whole or in part, from municipal assessment or taxation, or agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for 35 such term of years as to such municipal corporation may seem expedient, not exceeding twenty years.

Council may extend time when bonus, gift, or loan granted.

26. It shall and may be lawful for the council of any municipality that may grant, or that has granted, a bonus, gift, or loan to the company, or the undertaking, and they shall have 40 full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses, gift, or loan.

~ Laying rails on roads and streets.

27. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction 45 in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality.

28. Whenever a municipality or municipalities shall grant a Municipal debonus to aid the said company, the debentures therefor shall, bentures, dewithin one month after the passing of the by-law, be delivered trustees. to three trustees, one of whom shall be named by the company, 5 one by the municipalities granting such bonuses, and one by the Lieutenant Governor in Council: Provided always that if Proviso.

the municipal council or councils interested shall refuse or ne-

glect to name a trustee within two weeks after notice in writing to them of the appointment by the company, then the com-10 pany shall be at liberty to name and appoint such trustee; in the event of the death, resignation, or inability or refusal to act on the part of any trustee, the party who originally appointed such trustee so dying or resigning, or becoming incapable or unwilling to act, may appoint a successor, and in the

15 event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee.

29. The said trustees shall receive the said debentures Trusts of dein trust: Firstly, under the instructions of the directors of bentures. 20 the company, to deposit the same in some chartered bank of the Dominion, in the Town of Windsor aforesaid; secondly, to convert the same, or any of them, into money whenever required to do so by the directors of the company, but subject to the conditions of the by-law in relation thereto, as to time and 25 manner, and to deposit the amounts realized from the sale thereof in such bank, in the name of the "Windsor and Essex Centre Railway Company Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in 30 Schedule "B," hereto, or to the like effect, setting out in such certificate the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate shall be attached to the cheque to be drawn by the said trustees.

35 30. The act of any two of such trustees shall be as valid Act of two and binding as if the three had agreed. binding.

31. The directors of the said company, after the sanction Power to issue of the shareholders or a majority thereof shall have first been preferential bonds. obtained at any special general meeting, to be called from 40 time to time for such purpose or purposes shall have power to issue bonds, not exceeding ten thousand dollars per mile of said railway, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for 45 prosecuting said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, 50 and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the holders thereof, upon the undertaking and property of the company as aforesaid: Provided that in the event at any time of the interest upon Proviso.

Proviso.

the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further that the bonds and any transfers shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

Bonds, etc., transferable by delivery 32. All such bonds, debentures, and other securities, and 10 coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such, so made payable to bearer, may sue at law thereon in his own name.

Power to become parties to notes, etc.

33. The said company shall have power and authority to $\overline{15}$ become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under authority of a quorum of the directors, shall be binding on 20 the said company; and every such note or bill so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such note or bill, nor shall the president, vice president, or the secretary, be 25 individually responsible for the same, unless the said note or notes, bill or bills, have not been issued with the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize said company to issue any promissory note 30 or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Power to acquire whole lots though less would suffice.

34. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, for gravel pits or for shunting of cars, maintaining or using the said railway, and in case 35 by purchasing the whole of any lot or parcel of land over which the railway is run, the company can obtain at a more reasonable price or to greater advantage than by purchasing the allowance for the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right 40 of way thereto if the same be separated from their railway, and sell and convey the same or any part thereof from time to time as they may deem expedient.

Power to pledge bonds.

35. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds 45 which they may be enabled, under the power of this Act, to issue for the construction of this railway.

Contracts with other companies. **36.** The said company shall have power to lease from any equipment company or other body, any rolling stock that may be required for use on the said railway, and may, with the 50 sanction of a majority of the shareholders, obtained at a special meeting called for that purpose, make any contract or agreement with any person or corporation, domestic or foreign.

37. For the purpose of constructing, working, or protecting, Telegraph the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies are 5 hereby conferred on the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said company.

38. Aliens and companies incorporated abroad, as well as Aliens or 10 British subjects and corporations may be shareholders in the foreign corporations may said company, and all such shareholders, whether resident in be shareholders. this Province or elsewhere, shall be entitled to vote on their ers. shares equally with British subjects, and shall also be eligible to office as directors in the said company.

39. The said company shall have power to collect and re-Collecting back charges ceive all charges subject to which goods or commodities may on freight. come into their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities 20 as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

40. This railway shall be commenced within three years Commenceand completed within seven years from the final passing of ment and completion of roll plating of roll 25 this Act.

SCHEDULE "A."

(See Section 7.)

Know all men by these presents that I (or we) (insert also the name of wife or any person who may be a party) in consideration of—— dollars paid to me (or as the case may be) by the "Windsor and Essex Centre Railway Company," the receipt whereof is hereby acknowledged, do grant and convey and I, the said-do grant and release or do bar my dower in (as the case may be) of land, (describe the land) the same having been selected and laid out by the said Company for the purpose of their Railway to hold with the appurtenances unto the said "Windsor and Essex Centre Railway Company," their successors and assigns.

As witness my (or our) hand and seal (or hands and seals), this—day of——one thousand eight hundred and Signed, sealed, and delivered [L. S.]

in the presence of

SCHEDULE "B."

(See Section 25.)

The Windsor and Essex Centre Railway Company's Office,

Engineer's Department,

Certificate to be attached to cheques on the "Windsor and Essex Centre Railway Municipal Trust Account" and given 42 Vic., of cap. under section I—Chief Engineer of the Windsor and Essex Centre Railway Company do hereby certify that there has been expended in the construction of mile No. ——(the said mileage being numbered consecutively from No. to No. dollars to date, and that the total pro rata the sum of amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which sum of dollars is due and payable under this Act.

(PRIVATE BILL.)

1st Reading, 30th January, 1879.

An Act to incorporate the Windsor and Essex Centre Railway Company.

(Reprinted as amended.)

TORONTO:

PRINTED BY HUNTER, ROSE & CO

Mr. WHITE

Session, 3rd Parliament,

42 Vic., 1879.

An Act respecting certain property in the Town of Peterborough.

THEREAS the Corporation of the Town of Peterborough Preside. have, by their petition, prayed for an Act to vest the lands hereinafter mentioned in the Corporation of the Town of Peterborough and the Corporation of the County of 5 Peterborough jointly, for the purpose of a public park or square, and also to authorize the Corporation of the Town of Peterborough to sell and convey the building now used as a fire hall, situate on part of the Market Block, in the said Town of Peterborough, and to devote the proceeds of such sale towards 10 the purchase of land and the erection thereon of a new fire hall; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

15 as follows:—

30 Peterborough.

1. The following lands and premises that is to say lots num- Certain lands bers one, two and three, south of McDonell street and west of vested in the Corporations George Street, and lots numbers one, two and three, north of of the Town Murray Street and west of George Street, in the Town of Peter-and County of Peterborough, except that part there- for a park.

of conveyed to the Government for the purpose of erecting

thereon a drill shed, are hereby vested in the Corporation of the Town of Peterborough and the Corporation of the County of Peterborough, and their successors, jointly to hold the same 25 upon trust for the purpose of a public park or square, for the use of the inhabitants of the said Town of Peterborough, provided however that nothing herein contained shall affect or in any way interfere with the lease of the said lands now held by

2. The said park or square shall be maintained by and shall Park to be be under the control of the Council of the said Town of Peter-maintained by and be under borough, who may make all necessary regulations from time to control of time, for the proper management and government of the same, council of town.

the Agricultural Society of the West Riding of the County of

3. It shall and may be lawful for the Corporation of the Corporation of Town of Peterborough, and they are hereby authorized and empowered to sell and convey the building now used as a fire hall borough authorized to or engine house, and situate upon part of the Market Block, in sell present fire hall. the said Town of Peterborough, either by public auction or by 40 private sale, and for cash or on credit, as the said corporation may deem expedient, and to devote the proceeds of such sale

issued.

If proceeds of such buil-sale insufficient to provide a new fire hall and may be lawful for the mayor and town council, to cause to be issued debentures therefor for a sum not exceeding the sum of two thousand dollars, the same to be deemed to be a part of the debentures for the sum of eighteen thousand two hundred dollars, authorized to be issued by virtue of the Act of 10 the Parliament of Canada, passed in the twenty fourth year of Her Majesty's reign, chaptered sixty-one, for the purpose amongst other things of the erection of an engine house and lock-up; and such debentures shall be issued in the manner and subject to the conditions for repayment and otherwise mentioned in the 15 said recited Act: Provided always that no debentures shall be issued under this Act for the purposes aforesaid until the by-law authorizing the same shall have been duly submitted to, and approved by the qualified electors of the said town in the manner pointed out by the Municipal Act. 20

Proviso.

same.

5. In the event of the Commissioners of the Peterborough of Peter-borough Town Trust becoming the purchasers of the said building now occupied as a fire hall, or advancing the amount of the purchase ized to purchase fire hall money thereof, and they are hereby authorized and empowered and to re-sell to make such purchase or advance, it shall and may be lawful 25 for the said commissioners at any time thereafter to sell and convey the same as aforesaid and to apply the proceeds of such sale to replace the moneys so advanced, or in reduction of the outstanding debenture indebtedness of the said town.

TORONTO: Printed by Hunter, Rose & Co.	Mr. Scott.	PRIVATE BILL.	1st Reading, 1879.	BILL. An Act respecting certain property in the Town of Peterborough.
•	:07T.		79.	in the

3rd Parliament, 42 Vic.,

31.]

An Act respecting certain property in the Town of Peterborough.

HEREAS the Corporation of the Town of Peterborough Preamble.

have, by their petition, prayed for an Act to vest the lands hereinafter mentioned in the Corporation of the Town of Peterborough and the Corporation of the County of

5 Peterborough jointly, for the purpose of a public park or square, the said lands being stated in said petition to have been granted or conveyed to the then Council of the District of Colborne as a general burying ground, and also to authorize the Corporation of the Town of Peterborough to sell and convey the build-

10 ing now used as a fire hall, situate on part of the Market Block, in the said Town of Peterborough, and to devote the proceeds of such sale towards the purchase of land and the erection thereon of a new fire hall; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:—

Peterborough.

1. The following lands and premises that is to say lots num- Certain lands bers one, two and three, south of McDonell Street and west of Corporations

20 George Street, and lots numbers one, two and three, north of of the Town

Murray Street and west of George Street, in the Town of Peterand County of
herewish in the County of Petarborough, except that part there are foreverly. borough in the County of Peterborough, except that part there- for a park. of conveyed to the Government for the purpose of erecting thereon a drill shed, are hereby vested in the Corporation of 25 the Town of Peterborough and the Corporation of the County of Peterborough, and their successors, jointly to hold the same

upon trust for the purpose of a public park or square, for the use of the inhabitants of the said Town of Peterborough, provided however that nothing herein contained shall affect or in 30 any way interfere with the lease of the said lands now held by the Agricultural Society of the West Riding of the County of

2. The said park or square shall be maintained by and shall Park to be be under the control o the Council of the said Town of Peter-maintained by and be under borough, who may make all necessary regulations from time to control of 35 time, for the proper management and government of the same. council of town.

3. It shall and may be lawful for the Corporation of the Corporation of Town of Peterborough, and they are hereby authorized and emprovement to sell and convey the building now used as a fire hall authorized to 40 or engine house, and situate upon part of the Market Block, in sell present the said Town of Peterborough, either by public auction or by

private sale, and for cash or on credit, as the said corporation may deem expedient, and to devote the proceeds of such sale towards the purchase of land, and the erection thereon of a new fire hall or engine house and hose tower and of a lock-up for the said Town of Peterborough.

tures may be issued.

If proceeds of sale insufficient to provide ding not proving sufficient for the purposes aforesaid, it shall a new fire hall and may be lawful for the mayor and town council, to cause to be issued debentures therefor for a sum not exceeding the sum of two thousand dollars, the same to be deemed to be a 10 part of the debentures for the sum of eighteen thousand two hundred dollars, authorized to be issued by virtue of the Act of the Parliament of Canada, passed in the twenty fourth year of Her Majesty's reign, chaptered sixty-one, for the purpose amongst other things of the erection of an engine house and lock-up; and such debentures shall be issued in the manner and subject to the conditions for repayment and otherwise mentioned in the said recited Act: Provided always that no debentures shall be issued under this Act for the purposes aforesaid until the by-law authorizing the same shall have been duly submitted to, and approved by the qualified electors of the said town in the manner pointed out by the Municipal Act.

Proviso.

Commissioners of the Peterborough of Peterborough Town Trust becoming the purchasers of the said building now occupied as a fire hall, or advancing the amount of the purchase money thereof, and they are hereby authorized and empowered 25 Trust authorized to purchare fire hall to make such purchase or advance, it shall and may be lawful
and to re-sell to make such purchase or advance, it shall and may be lawful
for the said commissioners at any time thereafter to sell and convey the same as aforesaid and to apply the proceeds of such sale to replace the moneys so advanced, or in reduction of the outstanding debenture indebtedness of the said town.

1st Reading, 29th January, 1879.

PRIVATE BILL.)

Reprinted as Amended.)

An Act respecting certain property in Town of Peterborough.

3rd Parliament, 42 Vic., No.

Session,

18

PRINTED BY HUNTER, ROSE & CO.

CORONTO:

An Act respecting the Victoria College, at Cobourg.

HEREAS the Board of Victoria College, at Cobourg, Preamble. have, by their petition, prayed for certain amendments to the Act chaptered seventy-nine, passed by the Legislature of Ontario in the thirty-eighth year of Her Majesty's reign; and

5 whereas it is expedient to grant the prayer of said petition:
Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

1. The said recited Act is hereby amended by inserting Sec. 7 of 38 10 after the word "head" in the third line of the seventh section Vic. c. 75 amended. the words "and excepting the dean of the faculty of theology whom they shall nominate to be appointed by the General Conference of the Methodist Church of Canada;" and by inserting after the word "president" in the twelfth line of said section 15 the words "dean of the faculty of theology."

- 2. Section sixteen is hereby amended by inserting after the Sec. 16 of 38 word "college" in the second line, the words "four representatives of the graduates in arts, and one in each of the faculties
 of law, medicine and theology," and by striking out all words
 20 after the word "shall" in the sixth line and adding the following
 in lieu thereof, "determine the courses of study and qualifications
 for decrease the appointment of examiners and all matters for degrees, the appointment of examiners, and all matters strictly pertaining to the work of education, and also the time, place, and method of electing representatives of the alumni to 25 the Senate."
 - 3. Section nineteen shall be added to the said Act as follows :-

19. That in the election of representatives of the alumni to the New Section Senate, all graduates of three years standing and upwards, in added. 30 the faculty to be represented, who have registered their names as may be determined by the Senate shall be entitled to vote, and shall be eligible for election: each representative shall be elected for a term of four years; and on the expiry of such term, or on a vacancy occurring by death or resignation, a suc-35 cessor shall be elected; but an election to fill a vacancy by death or resignation shall be for the unexpired part of the term only; but at the first election four representatives of graduates in arts shall be elected who shall retire one each year, in the order indicated by the votes polled, the person receiving 40 the lowest number of votes retiring at the end of the first year.

No. 32.

BILL.

An Act respecting the Victoria College, at Cobourg.

1st Reading,

1879.

(PRIVATE BILL.)

Mr. HARGRAFT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Victoria College, at Cobourg.

HEREAS the Board of Victoria College, at Cobourg, Preamble. have, by their petition, prayed for certain amendments to the Act chaptered seventy-nine, passed by the Legislature of Ontario in the thirty-eighth year of Her Majesty's reign; and 5 whereas it is expedient to grant the prayer of said petition: Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts

as follows:--

1. The said recited Act is hereby amended by insert-Sec. 7 of 38 10 ing after the word "College" in the fourth line of the seventh Vic. c. 79 amended. section the words "Provided that the dean of the faculty of theology shall be nominated by said board and appointed by the General Conference of the Methodist Church of Canada, or by the special committee of said conference when said con-15 ference is not in session;" and by inserting after the word "president" in the twelfth line of said section the words "dean of the faculty of theology."

2. Section sixteen is hereby amended by inserting after the Sec. 16 of 38 word "college" in the second line, the words "four representatives amended.

20 tives of the graduates in arts, and one in each of the faculties of law, medicine and theology," and by striking out all words after the word "shall" in the sixth line and adding the following in lieu thereof, "determine the courses of study and qualifications for degrees, the appointment of examiners, and all matters 25 strictly pertaining to the work of education, and also the time, place, and method of electing representatives of the alumni to the Senate."

3. Section nineteen shall be added to the said Act as follows :-

19. That in the election of representatives of the alumni to the New Section Senate, all graduates of three years standing and upwards, in added. the faculty to be represented, who have registered their names as may be determined by the Senate shall be entitled to vote, and shall be eligible for election: each representative shall be 35 elected for a term of four years; and on the expiry of such term, or on a vacancy occurring by death or resignation, a successor shall be elected; but an election to fill a vacancy by death or resignation shall be for the unexpired period of the term only: Provided however that of the four representatives of graduates in arts who shall be elected at the first election held 40 under the provisions of this Act one shall retire at the end of each succeeding year in the order indicated by the number of votes polled, the person receiving the lowest number of votes retiring at the end of the first year.

BLLLL.

An Act respecting the Victoria College, at Cobourg.

(Reprinted as amended.)

1st Reading, 30th January, 1879.

PRIVATE BILL.

Mr. HARGRAFT.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to give further powers to the Petrolia Crude Oil and Tanking Company.

7 HEREAS the Petrolia Crude Oil and Tanking Com-Preamble. V pany (a company incorporated under the Ontario Joint Stock Companies' Letters Patent Act, 1874,) have represented by their petition that the production of refined oil would be much cheapened by reason of the saving which would be effected in the cost of transportation of crude and distilled oils from the places of their production and distillation in or about Petrolia, in the County of Lambton, to refining establishments situated near 10 the St. Clair River, or along or near the lines of the Samia, Chatham and Erie, the Grand Trunk, and Canada Southern

Railway Companies, or otherwise in the County of Lambton, and that the price of refined oil for consumption in those parts of the Dominion of Canada, covered by said river or by said 15 lines of railway would also be cheapened by the like saving in

the cost of transportation by means of a pipe or pipes from some point or points in or near the Township of Enniskillen to the said river and to the lines of the said respective railways, and have asked that such additional powers may be 20 granted them; and whereas it is expedient to grant the

prayer of the said petition;

Therefore Her Majesty, by and with the advice and convert of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said company, in addition to its present powers, is Additional hereby empowered to lay down, at a depth beneath the gen-powers conference of the ground of not lay the gen-red on the eral surface of the ground of not less than two feet, a connect-company. ed, and thereby a continuous, pipe or pipes in such sections as shall seem expedient in as near as may be, and as the surface 30 of the country will reasonably admit of, or by deviations therefrom as circumstances shall make expedient, between any points in the County of Lambton at which the said company have, or may establish, a receiving station, or stations, at or

near where the said crude, distilled or refined oils are or may 35 be produced or manufactured and the works or delivering stations of the company in the Township of Enniskillen, or Town of Petrolia; and between points in or near the Township of Enniskillen, and points at or near the St. Clair River, in the County of Lambton, or at or near the lines of the Grand Trunk

40 Railway Company, the Canada Southern Railway Company, and the Sarnia, Chatham, and Erie Railway Company, in the County of Lambton, or between all or any of such points that the com-

pany may deem fit to lay such pipe or pipes for the purpose of carrying along or through the said pipe or pipes the crude oil, distillate or refined oils of petroleum, from the place or places of its production and manufacture in the County of Lambton aforesaid to the works and delivery stations of the company, 5 and to points at or near the said river, or at or near all or any of the said railways, with such branches or subsidiary pipes diverging from the points aforesaid, or any of them as shall be deemed expedient for collecting together at the places of its production the said crude oil, distillate or refined oils of petro- 10 leum, and for delivering the same to vessels on said river, or to the said respective railways at or near their respective lines in the County of Lambton aforesaid, for carriage and for distributing or delivering the same to any other company or persons, or refiners on, or near to, the route or termination of such 15 pipe line aforesaid, or elsewhere in the County of Lambton, and the said company is further empowered to erect, maintain, operate, and carry on, all such tanks, reservoirs, engines, machinery, houses, and erections, and all other matters and things whatsoever necessary or expedient for the said under-20 taking.

Powers of company to acquire lands.

2. The said company, in addition to its present powers, is empowered to purchase, take, and hold, besides personal property, lands, tenements, hereditaments, and real property requisite and necessary for the purpose aforesaid, and proper 25 and convenient for the construction, maintenance, use, and working of the same; and such lands, tenements, hereditaments, and real property, or any of them, or any part thereof, to sell, alienate, and convey, and others in their stead if deemed advisable to purchase, take, and hold from time to time for 30 the purpose and uses aforesaid: Provided always that such lands, tenements, hereditaments, and real property, acquired for the purposes hereinbefore mentioned, shall not at any one time exceed fifty thousand dollars in value, and shall at all times be held exclusively for the construction, maintaining, 35 operating, and carrying on the works and other the premises aforesaid and for the said purposes and uses.

Proviso.

Power of company as to roads.

3. The company, its servants, agents and workmen, may after ten days' notice to the warden of the County of Lambton, or to the mayor of any town or city, or to the reeve of any village 40 or township through, or along, or across, any of the public highways, streets, or allowances for roads of which it proposes to run or lay the pipes, or any of them by this Act authorized to be run or laid, of its intention so to run or lay the said pipes, specifying the particular highway, street, or road, with 45 respect to which the powers of this Act in that behalf are to be exercised, and the mode and manner of executing the same, which must be reasonable and in no way substantially interfering with the public use of the said highways, streets, or roads, enter upon any of the said highways, streets, and 50 roads, and do all things necessary thereto, and lay down the said pipes, and from time to time to renew, repair, amend, maintain, and keep the same in a proper state and condition: Provided always, that in the exercise of the powers by this section granted, the company shall in no case interfere with 55

Proviso.

the public use of any such highways, streets or roads, and shall be liable in damages to any individual who shall sustain any special injury in this behalf by reason of the default or negligence of the company in the premises.

4. The company, in addition to its present powers, shall Power to have power and authority by its servants, agents, and workmen, to enter upon any lands of any person or persons, bodies

politic or corporate, and survey and ascertain such portions thereof as it shall require for the purpose of the said undertak-10 ing, or such powers as it will require to exercise upon or in respect of the same lands for the purpose aforesaid, doing no actual or substantial damage, and when surveyed or ascertain-

ed, to contract and agree with the owners and occupiers of

such lands for the purchase thereof, or for the exercise of such 15 powers in respect of the same; and in case of disagreement in respect of the sum to be paid for the said lands or for the exercise of such powers in respect of the same, as the case may be, the company shall serve upon the owner of or party interested in the said lands, or, in the case of an incorporated

20 company, upon the president, vice-president, secretary or treasurer, or other officer thereof, a notice in writing signed by its president, vice-president or secretary, specifying the particular lands proposed to be appropriated, or the powers proposed to be exercised in respect of any lands, particularly

25 specifying both powers and lands, and naming a sum of money which the company offers and is ready to pay as compensation for the lands, or for exercising such powers in respect of the same, as the case may be, and naming a person as arbitrator, in case the sum offered is not accepted as compensation as

30 aforesaid; and thereupon the owner or party interested shall, within five days after being served with such notice, notify the company that he accepts the compensation offered (in which case he shall make a deed of conveyance to the company of the lands, or of the right to exercise the powers in re-

35 spect of the lands mentioned in the notice), or that he refuses the Disputes to be compensation offered and that he has named an arbitrator, referred to giving the name; and the two arbitrators so named shall within five days meet and name a third arbitrator, and the arbitrators so appointed shall within ten days inspect and take evidence,

40 if offered, on the subject matter in controversy, and make their award in writing thereon, which being signed by two of the said arbitrators shall be final and binding on the parties to the said reference, subject, however, to be set aside or sent back for amendment as in the case of ordinary arbitrations:

45 Provided, always, if the said owner or party interested should Proviso. not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a thirdarbitrator, or should the said three arbitrators, or amajority of them not make their award according to and as required by

50 the provisions of this section in that behalf, then in any of such cases or events, it shall be lawful for the company, on two days' notice to the said owner or party interested to apply to the Judge of the County Court of the County of Lambton, who shall thereupon appoint one person as sole arbitrator, 55 whose award of and concerning the premises shall be final and

conclusive, subject, however, to be set aside or remitted back to the said arbitrator to be amended as in ordinary cases of arbitration.

After award company may take posses-sion of lands.

5. After award made as in the last preceding section provided, and after tender by the company of the amount awarded, if any, and a deed of conveyance of the lands or of the powers to be exercised in respect of the lands, as the case may be, it shall be lawful for the company to take possession of the said lands, or to exercise the power in respect of the said lands, as the case may be, the same as though a conveyance 10 had been executed: and the company may register the said award in the registry office of the registration division in which the said lands are situate, and pay the amount awarded into one of the superior courts and file therein a copy of the said award, which shall operate as a conveyance to the 15 company of the lands or the right to exercise a power in respect of lands.

Costof arbitration.

6. In all cases of arbitration, if the sum awarded exceeds the amount offered by the company in the notice in the fourth section of this Actmentioned, the company shall pay the costs of 20 the arbitration and award; if equal to, or less than the amount awarded, the owners or occupiers shall pay the costs of the arbitration and award; and in either case the costs shall on notice be taxed by the Judge of the County Court of the County of Lambton.

Limitation of

7. Any action or suit brought against the company, or actions against any person acting under its authority, for anything done or omitted to be done under, or under colour of, this Act shall be commenced within six months after the cause of action or suit arose, and not afterwards, and the defendant 30 may plead the general issue and give this Act and the special matter in evidence under the said plea.

TORONTO: PRINTED BY HUNTER, ROSE & CA	Mr.	(PRIVATE BILL.)	1st Reading,	An Act to give further powers to the lia Crude Oil and Tanking Compa
E & C		<i>L</i> .)	187	to the Compa

th Session, 3rd Parliament, 42

An Act to give further powers to the Petrolia Crude Oil and Tanking Company.

HEREAS the Petrolia Crude Oil and Tanking Com- Preamble. VV pany (a company incorporated under the Ontario Joint Stock Companies' Letters Patent Act, 1874,) have represented by their petition that the production of re-5 fined oil would be much cheapened by reason of the sav-ing which would be effected in the cost of transporta-tion of crude and distilled oils from the places of their production and distillation in or about Petrolia, in the County of Lambton, to refining establishments situated near 10 the St. Clair River, or along or near the lines of the Sarnia, Chatham and Erie, the Grand Trunk, and Canada Southern Railway Companies, or otherwise in the County of Lambton, and that the price of refined oil for consumption in those parts of the Dominion of Canada, covered by said river or by said 15 lines of railway would also be cheapened by the like saving in the cost of transportation by means of a pipe or pipes from some point or points in or near the Township of Enniskillen to the said river and to the lines of the said respective railways, and have asked that such additional powers may be 20 granted them; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consert of the Legislative Assembly of the Province of Ontario, enacts

as follows.

hereby empowered to lay down, at a depth beneath the gen-powers confereral surface of the ground of not less than three feet, a connect-company. ed, and thereby a continuous, pipe or pipes in such sections as shall seem expedient in as near as may be, and as the surface 30 of the country will reasonably admit of, or by deviations therefrom as circumstances shall make expedient, between any points in the County of Lambton at which the said company have, or may establish, a receiving station, or stations, at or ne r where the said crude, distilled or refined oils are or may 35 be produced or manufactured and the works or delivering stations of the company in the Township of Enniskillen, or Town of Petrolia; and between points in or near the Township of Enniskillen, and points at or near the St. Clair River, in the County of Lambton, or at or near the lines of the Grand Trunk 40 Railway Company, the Canada Southern Railway Company, and the Sarnia, Chatham, and Eric Railway Company, in the County of Lambton, or between all or any of such points that the com-

I. The said company, in addition to its present powers, is Additional

pany may deem fit to lay such pipe or pipes for the purpose of carrying along or through the said pipe or pipes the crude oil, distillate or refined oils of petroleum, from the place or places of its production and manufacture in the County of Lambton aforesaid to the works and delivery stations of the company, 5 and to points at or near the said river, or at or near all or any of the said railways, with such branches or subsidiary pipes diverging from the points aforesaid, or any of them as shall be deemed expedient for collecting together at the places of its production the said crude oil, distillate or refined oils of petro- 10 leum, and for delivering the same to vessels on said river, or to the said respective railways at or near their respective lines in the County of Lambton aforesaid, for carriage and for distributing or delivering the same to any other company or persons, or refiners on, or near to, the route or termination of such 15 pipe line aforesaid, or elsewhere in the County of Lambton, and the said company is further empowered to erect, maintain, operate, and carry on, all such tanks, reservoirs, engines, machinery, houses, and erections, and all other matters and things whatsoever necessary or expedient for the said under-20 taking.

Powers of company to acquire lands.

2. The said company, in addition to its present powers, is empowered to purchase, take, and hold, besides personal property, lands, tenements, hereditaments, and real property requisite and necessary for the purpose aforesaid, and proper 25 and convenient for the construction, maintenance, use, and working of the same; and such lands, tenements, hereditaments, and real property, or any of them, or any part thereof, to sell, alienate, and convey, and others in their stead if deemed advisable to purchase, take, and hold from time to time for 30 the purpose and uses aforesaid: Provided always that such lands, tenements, hereditaments, and real property, acquired for the purposes hereinbefore mentioned, shall not at any one time exceed fifty thousand dollars in value, and shall at all times be held exclusively for the construction, maintaining, 35 operating, and carrying on the works and other the premises aforesaid and for the said purposes and uses, and not otherwise.

Proviso.

Power of company as to roads.

3. The company, its servants, agents and workmen, may after ten days' notice to the warden of the County of Lambton, and to the mayor of any town or city, or to the reeve of any village 40 or township through, or along, or across, any of the public highways, streets, or allowances for roads of which it proposes to run or lay the pipes, or any of them by this Act authorized to be run or laid, of its intention so to run or lay the said pipes, specifying the particular highway, street, or road, with 45 respect to which the powers of this Act in that behalf are to be exercised, and the mode and manner of executing the same, which must be reasonable and in no way substantially interfering with the public use of the said highways, streets, or roads, enter upon any of the said highways, streets, and 50 roads, and do all things necessary thereto, and lay down the said pipes, and from time to time to renew, repair, amend, maintain, and keep the same in a proper state and condition: Provided always, that in the exercise of the powers by this section granted, the company shall in no case interfere with 55

Proviso.

the public use of any such highways, streets or roads, and shall be liable in damages to any individual who shall sustain any special injury in this behalf by reason of the default or negligence of the company in the premises, and shall without 5 delay restore any road which they may break or dig up to the condition in which it was before they interfered therewith.

4. The company, in addition to its present powers, shall Power to have power and authority by its servants, agents, and work- acquire lands. men, to enter upon any lands of any person or persons, bodies 10 politic or corporate, and survey and ascertain such portions

thereof as it shall require for the purpose of the said undertaking, or such powers as it will require to exercise upon or in respect of the same lands for the purpose aforesaid, doing no actual or substantial damage, and when surveyed or ascertain-

15 ed, to contract and agree with the owners and occupiers of such lands for the purchase thereof, or for the exercise of such powers in respect of the same; and in case of disagreement in respect of the sum to be paid for the said lands or for the exereise of such powers in respect of the same, as the case may

20 be, the company shall serve upon the owner of or party interested in the said lands, or, in the case of an incorporated company, upon the president, vice-president, secretary or treasurer, or other officer thereof, a notice in writing signed by its president, vice-president or secretary, specifying the par-

25 ticular lands proposed to be appropriated, or the powers proposed to be exercised in respect of any lands, particularly specifying both powers and lands, and naming a sum of money which the company offers and is ready to pay as compensation

for the lands, or for exercising such powers in respect of the 30 same, as the case may be, and naming a person as arbitrator, in case the sum offered is not accepted as compensation as aforesaid; and if the owner or party interested is unknown or if absent from said County of Lambton and his residence cannot be ascertained, then upon application to the Judge of

35 the County Court of the said County accompanied by an affidavit of some officer of the company and by such other proof as will satisfy said Judge that the owner or party interested is unknown or is so absent and that after diligent inquiry the party on whom the notice ought to be served or his residence

40 cannot be ascertained, the Judge shall order a notice as aforesaid to be inserted once in each week for four consecutive weeks in some newspaper published in the said county, and also once in each of said four weeks in some daily newspaper published in the City of Toronto; and thereupon the owner or party in-

45 terested shall, within five days after being personally served with such notice, or within three weeks after the last publication of such notice, as the case may be, notify the company in writing that he accepts the compensation offered (in which case he shall make a deed of conveyance to the com-

50 pany of the lands, or of the right to exercise the powers in respect of the lands mentioned in the notice), or that he refuses the compensation offered and that he has named an arbitrator, referred to giving the name; and the two arbitrators so named shall within arbitration. five days meet and name a third arbitrator, and the arbitrators

55 so appointed shall within ten days inspect and take evidence, if offered, on the subject matter in controversy, and make

Proviso.

their award in writing thereon, which being signed by two of the said arbitrators shall be final and binding on the parties to the said reference, subject, however, to be set aside or sent back for amendment as in the case of ordinary arbitrations: Provided, always, if the said owner or party interested should 5 not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators, or a majority of them not make their award according to and as required by the provisions of this section in that behalf, then in any of 10 such cases or events, it shall be lawful for the company, on two days' notice to the said owner or party interested to apply to the Judge of the County Court of the County of Lambton, who shall thereupon appoint one person as sole arbitrator, whose award of and concerning the premises shall be final and 15 conclusive, subject, however, to be set aside or remitted back to the said arbitrator to be amended as in ordinary cases of arbitration.

After award company may take possession of lands. 5. After award made as in the last preceding section provided, and after tender by the company of the amount 20 awarded, if any, and a deed of conveyance of the lands or of the powers to be exercised in respect of the lands, as the case may be, it shall be lawful for the company to take possession of the said lands, or to exercise the power in respect of the said lands, as the case may be, the same as though a conveyance 25 had been executed: and the company may register the said award in the registry office of the registration division in which the said lands are situate, and pay the amount awarded into one of the superior courts in Ontario and file therein a copy of the said award, which shall operate as a conveyance to the company of the lands or the right to exercise a power in respect of lands.

Certain sections of Railway Act applicable.

6. Sections thirteen, fourteen, fifteen and seventeen and sub-sections six, nine, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-four, twenty-six, twenty-seven and twenty-35 eight of section twenty of the Railway Act of Ontario, chapter one hundred and sixty-five of the Revised Statutes, shall, so far as applicable, be incorporated with, and be deemed a part of this Act, and shall apply to the said company, except only so far as they may be inconsistent with the 40 express enactments thereof, and said sections and sub-sections shall be applicable as well to the case of the purchase of such powers as the company may require to exercise upon or in respect to any lands for the purposes of this Act as in the case of the purchase of the lands itself.

Increasing capital stock.

7. The directors of the said company, if they see fit at any time and from time to time, may make a by-law for increasing the capital stock of the company to any further amount not exceeding twenty thousand dollars beyond the amount of its present capital stock which they may consider 50 requisite for the due carrying out of the objects and extended powers of the company; such by-laws shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same is to be allotted, and in default of their doing so, the control of such allotment shall

be held to vest absolutely in the directors; but no such by-law or by-laws shall have any force or effect unless sanctioned by the shareholders in conformity to the provisions of the Ontario Joint Stock Letters Patent Act, nor shall any such by-law re-

8. The directors shall have power to issue paid up stock Issue of paid in the said company in payment of the price of real estate up stock or powers in respect thereof, or of personal property required for the purposes of the said company or for the purposes of 10 this Act, and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of said company or of the creditors thereof to the same extent as if the amount of the same had been regularly called in by the said company and paid by the holder thereof in full, and 15 this provision so far as respects stock heretofore issued by the company in payment of any real or personal property shall be deemed to have been incorporated in the original charter of the company.

- 9. In all cases of arbitration, if the sum awarded exceeds Cost of arbi-20 the amount offered by the company in the notice in the fourth tration. section of this Actmentioned, the company shall pay the costs of the arbitration and award; if equal to, or less than the amount awarded, the owners or occupiers shall pay the costs of the arbitration and award; which may be deducted from the com-25 pensation; and in either case the costs shall on notice be taxed by the Judge of the County Court of the County of Lambton.
- 10. Any action or suit brought against the company, or Limitation of against any person acting under its authority, for anything actions against the company. 30 done or omitted to be done under, or under colour of, this Act shall be commenced within six months after the cause of action or suit arose, and not afterwards, and the defendant may plead the general issue and give this Act and the special matter in evidence under the said plea.
- 11. Nothing in this Act contained shall authorize or em- Laying down power the said company to lay down any pipe or pipes for any pipes. of the purposes mentioned in this Act within one hundred feet of any dwelling-house, unless with the consent of the owner or occupant of such dwelling-house, or unless said pipe 40 or pipes is so laid down under a public highway or street.

4th Session, 3rd Parliament, 42 Vic., 1879.

An Act to give further powers to the Petrolia Crude Oil and Tanking Company.

(Reprinted as Amended.)

1st Reading 29th January, 1879.

PRIVATE BILL.

MR. PARDIEE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to empower the trustees under a Deed of Trust, made between Thomas Keenan, of the Town of Lindsay, and others, to sell the land therein mentioned.

WHEREAS by indenture bearing date the fourteenth day Preamble of June, in the year of our Lord one thousand eight hundred and fifty-eight, by way of marriage settlement, and made between Thomas Keenan, of the Town of Lindsay (the 5 father of Adelaide Macaulay therein named), of the first part, the said Adelaide Macaulay (then Adelaide Keenan), of the second part, the said Alexander Macaulay, of the third part, and George Kempt and the said Alexander Macaulay, of the fourth part, the said Thomas Keenan, in contemplation of the 10 marriage of the said Adelaide Keenan to the said Alexander Macaulay, granted the lands therein to the said George Kempt and Alexander Macaulay as trustees in the trusts therein set out, which said deed contained a power of appointment as therein set out; and whereas the said Alexander Macaulay 15 departed this life on the eighteenth day of November, in the year of our Lord one thousand eight hundred and seventyseven, and by his last will and testament in writing, duly executed in manner required by the law of this Province, and dated the seventeenth day of November, in the year of our 20 Lord one thousand eight hundred and seventy-seven, appointed the said Adelaide Macaulay and one William J. Macaulay guardians of his infant children; and whereas by indenture of appointment dated the twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven, under 25 the power contained in said marriage settlement the said Adelaide Macaulay did nominate and appoint Arthur O'Leary, of the Town of Lindsay, Esquire, trustee in the place and stead of the said Alexander Macaulay, deceased, and by the said indenture of appointment did appoint the lands and premises therein set 30 out to the use of Harriet Eleanor Anne Macaulay, George Macaulay, Thomas Denis Macaulay, James Sexton Macaulay, Adelaide Macaulay, Hilda Mary Macaulay, Henry Macaulay, and Alexander Herbert Macaulay, being all the children of the said Alexander Macaulay and Adelaide Macaulay; and whereas the 35 said Adelaide Macaulay, Harriet Eleanor Anne Macaulay, George Macaulay, Thomas Denis Macaulay, James Sexton Macaulay, Adelaide Macaulay, Hilda Mary Macaulay, Henry Macaulay, and Alexander Herbert Macaulay, have, by their petition, prayed for the passing of an Act to empower the said 40 George Kempt and Arthur O'Leary, trustees under the deed of trust by way of marriage settlement and the deed of appointment thereunder, dated the twenty-first day of December,

in the year of our Lord one thousand eight hundred and seventy-seven, or the trustees or trustee for the time being of the sai dmarriage settlement, to sell the lands mentioned in the said deed of marriage settlement, situate in the Township of Ops and the Town of Lindsay; and whereas it is expedient to 5 grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

Trustees to lands.

1. The said trustees or the trustees or trustee for the time 16 have power to being shall have full power and authority to sell and absolutely dispose of all and every or any part of the lands situate in the Township of Ops and the Town of Lindsay, mentioned and set out in the said deed of marriage settlement, with the appurtenances as they in their discretion see fit to any person or 15 persons whomsoever either together or in parcels, and either by public auction or by private contract, and for such price or prices in money, payable and to be secured by instalments, mortgages or otherwise, as to the trustees or trustee for the time being shall seem reasonable; the consent in writing of 20 the said Adelaide Macaulay to such sale being first obtained; and any deed executed by such trustees as aforesaid shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof or rights therein now existing or granted by competent authority prior to such sale. 25

Investment of proceeds.

2. The proceeds of such sales, after payment of the expenses of obtaining this Act, and all proper and reasonable costs, charges and expenses of effecting and carrying out said sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested by the said 30 trustees or trustee, for the time being, in Government Stock or Securities of the Dominion of Canada, or upon the security of freehold and real estate of ample value in the Dominion of Canada, the consent in writing of the said Adelaide Macaulay being first obtained thereto, and the said trustees shall hold 35 and apply the principal and interest represented by or derivable from such sales and investments upon the same trusts and for the same ends, intents and purposes expressed in the said marriage settlement, with respect to the said lands and subject to the said rules and incidents, with respect to the devolution 40 thereof and otherwise, as if the lands still remained realty.

3. No purchaser or alienee shall be required to see to the Purchaser, &c. 3. No purchaser or alienee shall be required to see to the not bound to application of the purchase money or other consideration in resee to application. tion of money. spect of any disposition made under this Act.

Care and maintenance of children.

4. The care of the persons of the said children and their 45 education shall, after the passing of this Act, be given to the said Adelaide Macaulay, the mother of the said children, until they shall respectively attain the age of twenty-one years, or marry, whichever shall happen first, unless the Court of Chancery for the Province of Ontario, or any Judge thereof, shall 50 otherwise order; and the interest arising from the investment of the moneys to be received from the sale of the said lands shall, from time to time, be paid to her for the support, main-

tenance and education of the said children during minority or until they marry; and in the event of such interest not being sufficient in any year for the support, education and maintenance of the said children during minority, it shall be lawful 5 for the said trustees, for the time being, to pay to the said Adelaide Macaulay out of the said principal sum an amount which with the said interest will be sufficient for the support, maintenance and education of the said children during minority or until they marry; and the receipt of the said Ade-10 laide Macaulay for the amounts so to be paid to her for such support shall be sufficient discharge to the said George Kempt and Arthur O'Leary or the trustees or trustee, for the time being, and they shall take credit therefor in their accounts; and in the event of the said Adelaide Macaulay, the mother of 15 the said children, dying, leaving them or any of them under age and unmarried, the care of the persons of such of the said children as shall be under age and unmarried, and their education shall be given to the said William J. Macaulay.

5. The trust and power of sale authorized by this Act are Trust to be 20 to be exercised within ten years from the passing thereof.

exercised within ten years.

INO. 34.

BILL

An Act to empower the trustees udder a Deed of Trust, made between Thomas Keenan, of the Town of Lindsay, and others, to sell the land therein mentioned.

1st Reading,

1879.

(PRIVATE BILL.)

Hon. Mr. Wood.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to empower the trustees under a Deed of Trust, made between Thomas Keenan, of the Town of Lindsay, and others, to sell the land therein mentioned.

WHEREAS by indenture bearing date the fourteenth day Preamble. of June, in the year of our Lord one thousand eight hundred and fifty-eight, by way of marriage settlement, and made between Thomas Keenan, of the Town of Lindsay (the 5 father of Adelaide Macaulay therein named), of the first part, the said Adelaide Macaulay (then Adelaide Keenan), of the second part, the said Alexander Macaulay, of the third part, and George Kempt and the said Alexander Macaulay, of the fourth part, the said Thomas Keenan, in contemplation of the 10 marriage of the said Adelaide Keenan to the said Alexander Macaulay, granted the lands therein to the said George Kempt and Alexander Macaulay as trustees on the trusts therein set out, which said deed contained a power of appointment as therein set out; and whereas the said Alexander Macaulay 15 departed this life on the eighteenth day of November, in the year of our Lord one thousand eight hundred and seventyseven, and by his last will and testament in writing, duly executed in manner required by the law of this Province, and dated the seventeenth day of November, in the year of our 20 Lord one thousand eight hundred and seventy-seven, appointed the said Adelaide Macaulay and one William J. Macaulay guardians of his infant children; and whereas by indenture of appointment dated the twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven, under 25 the power contained in said marriage settlement the said Adelaide Macaulay did nominate and appoint Arthur O'Leary, of the Town of Lindsay, Esquire, trustee in the place and stead of the said Alexander Macaulay, deceased, and by the said indenture of appointment did appoint the lands and premises therein set 30 out to the use of Harriet Eleanor Anne Macaulay, George Macaulay, Thomas Denis Macaulay, James Sexton Macaulay, Adelaide Macaulay, Hilda Mary Macaulay, Henry Macaulay, and Alexander Herbert Macaulay, being all the children of the said Alexander Macaulay and Adelaide Macaulay; and whereas the 35 said Adelaide Macaulay, Harriet Eleanor Anne Macaulay, George Macaulay, Thomas Denis Macaulay, James Sexton Macaulay, Adelaide Macaulay, Hilda Mary Macaulay, Henry

Macaulay, and Alexander Herbert Macaulay, have, by their petition, prayed for the passing of an Act to empower the said 40 George Kempt and Arthur O'Leary, trustees under the deed of trust by way of marriage settlement and the deed of appointment thereunder, dated the twenty-first day of December,

in the year of our Lord one thousand eight hundred and seventy-seven, or the trustees or trustee for the time being of the said marriage settlement, to sell the lands mentioned in the said deed of marriage settlement, situate in the Township of Ops and the Town of Lindsay; and whereas the said Alexander Macaulay left no means or property available for the support, maintenance and education of his said children; and their mother, who is entitled to a life interest in the said settled essate, is willing to apply the proceeds of such sale towards their support, maintenance and education, during 10 minority or until they marry; and whereas a portion of such settled estate is unproductive, and the annual income derivable from such estate is wholly insufficient to enable their said mother to support, maintain and educate the said children; and whereas it is expedient to grant the prayer of such petition; 15

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

Trustees to have power to sell certain lands.

1. The said trustees or the trustees or trustee for the time being shall have full power and authority to sell and absolutely 20 dispose of all and every or any part of the lands situate in the Township of Ops and the Town of Lindsay, mentioned and set out in the said deed of marriage settlement, with the appurtenances as they in their discretion see fit to any person or persons whomsoever either together or in parcels, and either by 25 public auction or by private contract, and for such price or prices in money, payable and to be secured by instalments, mortgages or otherwise, as to the trustees or trustee for the time being shall seem reasonable; the consent in writing of the said Adelaide Macaulay to such sale being first obtained; 30 and any deed executed by such trustees as aforesaid shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof or rights therein now existing or granted by competent authority prior to such sale, and freed from all trusts whatsoever contained in said deed 35 of marriage settlement, and from all estates, rights and interests whatsoever of the widow and children of said Alexander \cdot Macaulay.

Investment of proceeds.

2. The proceeds of such sales, after payment of the expenses of obtaining this Act, and all proper and reasonable costs, 40 charges and expenses of effecting and carrying out said sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested by the said trustees or trustee, for the time being, in Government Stock or Securities of the Dominion of Canada, or upon the security of 45 freehold and real estate of ample value in the Dominion of Canada, the consent in writing of the said Adelaide Macaulay being first obtained thereto, and the said trustees shall hold and apply the principal and interest represented by or derivable from such sales and investments upon the same trusts and 50 for the same ends, intents and purposes expressed in the said marriage settlement, with respect to the said lands and subject to the same rules and incidents, with respect to the devolution thereof and otherwise, as if the lands still remained realty.

3. No purchaser or alience shall be required to see to the Purchaser application of the purchase money or other consideration in re-not bound to spect of any disposition made under this Act. tion of money.

4. The care of the persons of the said children and their Care and 5 education shall, after the passing of this Act, be given to the maintenance of children. said Adelaide Macaulay, the mother of the said children, until they shall respectively attain the age of twenty-one years, or marry, whichever shall happen first, unless the Court of Chancery for the Province of Ontario, or any Judge thereof, shall 10 otherwise order; and the interest arising from the investment of the moneys to be received from the sale of the said lands shall, from time to time, be paid to her for the support, maintenance and education of the said children during minority or until they marry; and in the event of such interest not being 15 sufficient in any year for the support, education and maintenance of the said children during minority, it shall be lawful for the said trustees, for the time being, to pay to the said Adelaide Macaulay out of the said principal sum an amount which with the said interest will be sufficient for the support, 20 maintenance and education of the said children during mi-

support shall be sufficient discharge to the said George Kempt and Arthur O'Leary or the trustees or trustee, for the time 25 being, and they shall take credit therefor in their accounts; and in the event of the said Adelaide Macaulay, the mother of the said children, dying, leaving them or any of them under age and unmarried, the care of the persons of such of the said children as shall be under age and unmarried, and their educa-

nority or until they marry; and the receipt of the said Adelaide Macaulay for the amounts so to be paid to her for such

30 tion shall be given to the said William J. Macaulay.

5. The trust and power of sale authorized by this Act are Trust to be to be exercised within ten years from the passing thereof. within ten vears.

BILL

An Act to empower the Trustees under a Deed of Trust, made between Thomas Keenan, of the Town of Lindsay, and others, to sell the lands therein mentioned.

(Reprinted as amended.)

1st Reading, 30th January, 1879.

(PRIVATE BILL.)

Mr. WILSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to repeal the Act passed in the twenty sixth year of Her Majesty's reign, and chaptered thirteen respecting the Queenston and Grimsby Road.

THEREAS the Municipal Corporation of the County of Preamble. Lincoln have, by their petition, represented that by an Act passed in the twenty-sixth year of Her Majesty's reign, certain municipalities of the County of Lincoln were ex-5 empted from expenses in connection with the construction and maintenance of the Queenston and Grimsby Road; that the said municipalities are as much benefited by the said roads as the other municipalities of the county, the said road running the whole length of the county and being used as a 10 road by the ratepayers and other residents of the exempted municipalities in going to and returning from their market town; that it is unjust that the said road should be maintained by that portion of the county through which the road runs and that the debt for the construction of the road has been 15 paid off, and a yearly assessment has to be made for the maintenance of the same by which the exempted municipalities are greatly benefited; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 20 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The Act passed by the Legislative Council and Assembly 26 Vic., c. 13 of Canada, in the twenty-sixth year of Her Majesty's reign, repealed. chaptered thirteen, and intituled "An Act to exempt the Town of Niagara and the Townships of Gainsborough and Caistor, in the County of Lincoln, from all taxation arising out of the assumption by the corporation of the said county of the Queenston and Grimsby Road" is hereby repealed.

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An Act to repeal the Act passed in the twenty-sixth year of Her Majesty's reign, and chaptered thirteen, respecting the Queenston and Grimsby Road.

1st. Reading,

1879.

(PRIVATE BILL.)

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Lake Simcoe Junction Railway Company.

THEREAS the Lake Simcoe Junction Railway Company Preamble. has petitioned that an Act may be passed to amend the Acts relating to the said Company, and to extend the powers on it thereby conferred; and whereas the said company here-5 tofore entered into an agreement in writing with the Toronto and Nipissing Railway Company, properly executed under the signature of the respective presidents and respective corporate seals of the said two companies, in the words and figures following, that is to say: This Indenture, made the fourteenth day 10 of July, one thousand eight hundred and seventy-six, between the Lake Simcoe Junction Railway Company, of the first part, and the Toronto and Nipissing Railway Company, of the second part; whereas by an Act of the Parliament of the Province of Ontario, entitled An Act to incorporate the Lake 15 Simcoe Junction Railway Company, the said last mentioned company, are empowered to construct a railway from some point on Lake Simcoe, in the vicinity of Sutton, in the County of York, to some point on the line of the Toronto and Nipissing Railway Company, at or near the Village of Stouffville, in said 20 county; and whereas, by the said Act, it is amongst other things enacted that it shall be lawful for the said parties of the first part, and any other railway company in the Province of Ontario, to enter into any agreement for leasing the said railway, or any part thereof, to such other company, and that any 25 company accepting or executing such lease and agreement shall exercise all the rights, powers and privileges in said Act contained; and whereas the construction of the said projected railway will open up the trade of a large section of country, which it is of importance to the City of Toronto to attract and 30 secure, and which will contribute an entirely new and extensive traffic to the existing line of the said parties of the second part; and whereas it is the mutual interest of the said parties hereto to secure permanent connections between the existing line of the Toronto and Nipissing Railway and the projected 35 railway of the said parties of the first part in order to accelerate the construction and completion of the said projected line, and to secure thereafter the efficient and profitable working thereof, the said parties of the second part have agreed to enter into an agreement with the said parties of the first part to work their 40 said railway for twenty-one years upon the terms and conditions hereinafter mentioned: Now This Indenture witnesseth the said parties of the first and second parts, each of them for themselves, their successors and assigns respectively covenant and agree with the other of them in manner following, that is 45 to say: That the said parties of the first part will forthwith, by all reasonable means and resources within their power and

control, build and complete the said projected line of railway from the terminus on Lake Simcoe to the point of junction of the same with the line of the Toronto and Nipissing Railway at or near Stouffville, in the manner described in the schedule hereto annexed, marked A, and in the plans and specifications 5 therein referred to, provided that the terms of the said schedule, plans and specifications may at any time be altered or changed by the consent of the presidents of the respective parties hereto in writing, but the said line of railway shall not be deemed complete, nor the said parties of the second part required to 10 work the same until their managing director shall have certified in writing his satisfaction and approval thereof, in accordance with the said schedule, plans and specifications, as regards ballast, drainage, sidings, fences, signals station houses, and all other matters and things required for the proper management 15 and working of the railway, and also the reasonable sufficiency of station grounds, and purchase and payment of the right of way taken and required: The parties of the first part do hereby agree with the parties of the second part, that the parties of the second part shall work the whole of said railway from 20 the point of junction of the same with the Toronto and Nipissing railway to the terminus thereof on the shore of Lake Simcoe, and the parties of the first part shall place the said parties of the second part in possession thereof when the same is completed and ready to be opened for freight and passenger traffic, 25 and that the parties of the second part shall have possession of the railway when completed and opened as aforesaid, and shall said work the said railway for the period of twenty-one years, to commence and take effect from the date at which the same is so completed and ready to be opened for traffic, and possession 30 thereof given to the parties of the second part, and the parties of the second part shall pay to the parties of the first part therefor, half-yearly, during the said term such sums as shall amount to twenty-five per cent. of the gross receipts arising from the traffic carried on the said railway of the said parties 35 of the first part, such traffic not to include any matter or thing carried by the parties of the second part for their own use or service on either railway, such percentage of the gross receipts as aforesaid to be applied by the said parties of the second part:—firstly, in or towards payment of the interest of the 40 mortgage bonds, hereafter mentioned, authorized to be issued by the said recited Act, or any amendments made or which may be made thereto by the said parties of the first part: secondly, to pay any residue of such percentage to the said parties of the first part: And it is also agreed by and between 45 the said parties hereto, that the issue to be made of debentures upon the security of the said railway under the powers of the said recited Act or any amendments thereto shall not unless with the consent of the said parties of the second part, exceed in the whole a sum equivalent to nine thousand five hundred 50 dollars for each mile of said railway, and that the interest thereof shall not exceed six per cent. per annum, and shall be made payable on the first days of April and October in each year respectively, and the production by the said parties of the second part of the interest coupons of the said debentures so paid 55 and redeemed from time to time as aforesaid, shall be taken and received by the said parties of the first part in payment or part payment of the percentage of twenty-five per cent. of gross receipts to be paid to the said parties of the first part as aforesaid: The said parties of the second part do hereby agree 60

and become bound to provide the necessary locomotive engines, cars and other rolling equipment requisite for the proper and efficient working of the said railway so soon as the same shall have been completed and possession given to them as before 5 specified, and shall also supply all the fuel and other materials and things required for working the same, and shall, during the continuance of these presents, work the said railway, and efficiently repair, renew, keep in order, and maintain the same at the expense of said parties of second part, and shall also keep open 10 and maintain a station at Vivian and a flag station at Ballantrae, and stations at Mount Albert and Sutton, and at the Town Line between the Townships of North and East Gwillimbury, as required by the by-laws granting aid to said parties of the first part, and the bonds given by said parties of the first part to 15 the Township of Whitchurch and the County of York, and shall insure and keep insured at the expense of the said parties of the second part, the buildings connected with said railway for not less than two-thirds of their value, in the name of the parties of the first part, but loss, if any, to be payable to the 20 parties of the second part, or assignments to be made to them if, and whenever required, and shall pay all taxes which may be assessed or levied upon said railway, and the works and buildings connected therewith: That the said parties of the second part shall have, during the continuance of the said term,

25 entire control and management of the said railway, as well in regard to the regulating and settling, from time to time, the amounts and rates of tolls, fares, freight and other charges to be paid, collected and taken thereon, and the mode of collecting and receiving the same, and the time and manner of

30 payment thereof, and the time and manner of the running of trains, and the nature and number thereof, and all other matters and things in any way touching or incident to the using, operating and working of the said railway, and the development of its traffic, and shall have all the rights, powers and

35 privileges conferred upon said parties of the first part, by their Act of Incorporation and amendments thereto, and all other statutes or laws in force relating to the said parties of the first part, so far as they shall require to use or exercise the same for the proper management of the said railway and traffic thereof,

40 and for all purposes whatsoever in anywise connected therewith; and shall have full power and authority to use the name and seal of the parties of the first part whenever the parties of the second part find it requisite or necessary so to do for purposes relating to the working of said railway: The said parties

45 of the second part shall make and keep separate and accurate accounts of the traffic and receipts over the said railway of the said parties of the first part, such accounts to be made out to the end of each half-year, ending on the thirty-first day of December, and to the end of each year ending on the thirtieth day

50 of June, and on the first days of the months of March and September in each year, or at such other convenient date as may be mutually agreed upon by the parties hereto, the said parties hereto may severally appoint an auditor to examine the same, who shall, if they deem it necessary, have free access to and

55 liberty to investigate, inspect and take copies of the books and vouchers of the said parties of the second part, at any station or offices on the line of the railway of the parties of the first part, and at the Toronto station of the said parties of the second part, so far as they relate to the traffic in this deed re60 ferred to, and in the event of any difference arising in the

adjustment of such half-yearly accounts between the said two auditors, they shall appoint some third person as referee between them, or in case said auditors disagree as to the appointment of said referee he shall be appointed by a judge of one of the Superior Courts for Ontario, and the decision of any two of 5 whom shall be binding upon all parties, and upon any account being passed or adopted by such auditors, the same shall be conclusive as between the parties, except as to any manifest error discovered therein, and notified in writing to the parties within six months after the passing or the adjusting of the account in 10 which the same occurs, and in computing the earnings upon such traffic as may be common to both railways, the rate charged thereupon shall be credited to each railway in proportion to the respective mileage of each railway over which the the said rate may have been charged, except in the case of cord- 15 wood which shall be credited to each company at no larger rate than that limited by the respective charters for the mileage over each railway: In the event of the railway of the parties of the second part being purchased by, leased to, or amalgamated with that of any other company, such purchase, 20 lease, or amalgamation, shall be subject to the terms and conditions of this agreement and not otherwise: The said parties of the second part hereby agree to furnish the chief officers of the company of the first part, with free transit over and upon the railways of the parties hereto between Toronto and Lake 25 Simcoe, but that provided that no person whomsoever carried at any time by the parties of the second part without charge, in pursuance of this agreement or otherwise, for or at the request of the parties of the first part, or any of their officers shall have any claim against the parties of the second part for 30 or in respect of any accident, loss or injury to person or property whatsoever occurring in or about such journey, nor shall the wife or children, or executors or administrators of any such person have any such claim, the parties of the first part to make proper provision for and indemnify the parties of the 35 second part against all such claims, and all free passes given to have such exception clearly written or printed thereon: The said parties of the second part agree to maintain in manner aforesaid, the said line of railway from the time of completion and transfer of possession thereof to them as aforesaid, during 40 the whole of the said term, in good order and repair, and to deliver the same at the expiration of the said term to the said parties of the first part in good plight and condition, and in good working order: And they also agree that upon receiving ten days' previous notice in writing, they will provide a suffi- 45 cient number of engines and cars, not exceeding two engines and thirty small cars for the use of the parties of the first part, in constructing their railway for the purpose of track-laying and ballasting at a fair rental, the conductor, engine driver and fireman to be employed by the parties of the second part, 50 and the trains to be under their charge, but they are not to be liable for any accident, loss or injury to person or property occurring in working such trains, or to any person whomsoever, or to the wife or children, or executors or administrators of any such person, all such risks to be assumed by the parties of the 55 first part, or by the contractors employed by them; they also agree to carry the iron required for the said railway from Toronto or Scarborough Junction to Stouffville for the parties of the first part, at one cent and one-half per ton per mile, and to carry men and plant required by said parties of the first 60

part on said works at half the usual rates: And it is also agreed between the parties hereto, that in case any dispute arises between them as to any of the matters or things in this indenture and the said schedule and plans and specifications 5 contained, the same shall be referred to the award and arbitration of two disinterested persons, one of whom shall be appointed by each of the said parties who shall jointly choose a third disinterested party to act as arbitrator, and in care the said arbitrators disagree as to the appointment of such third 10 arbitrator, he shall be appointed by a Judge of one of the Superior Courts for Ontario, and the decision by the majority of such three arbitrators shall be final and binding, and in case either of the parties hereto shall refuse or neglect to appoint an arbitrator within twenty days after notice in writing for 15 that purpose, may be given by either of them to the other, then the decision of the arbitrator of the party giving such notice shall be binding upon both parties, provided that there shall be no hearing of the matters in dispute, unless each party be notified at least ten days previously, and be allowed to at-20 tend and be heard and to adduce evidence: It is further agreed that the parties of the first part and their directors for the time being, shall, from time to time, make, ordain and provide all such lawful rules and regulations and by-laws touching and concerning the premises as shall be required by the board of 25 directors of the parties of the second part, and again from time to time shall repeal, alter and amend the same, and make and ordain others of such description as shall be required in that behalf: Provided that this agreement shall not be binding upon the said parties hereto, or either of them, until the same 30 is accepted and approved of by the shareholders of the respective companies, so far as may be necessary, under their respective Acts of Incorporation, and that in case this agreement is not so accepted or approved of by each of said companies, the same shall thereafter become void and of no effect: In 35 witness whereof, the President of the said the Lake Simcoe Junction Railway Company, and the President and Secretary of the Toronto and Nipissing Railway Company, have hereunto set their hands and have caused the seals of the said respective railway companies to be hereunto affixed: Upon 40 which agreement was endorsed a memorandum also properly executed as aforesaid by the said two companies, in the words and figures following, that is to say: It is understood and agreed between the respective companies within named, that the time for payment of the interest of the mortgage bonds 45 mentioned in the third paragraph of the within agreement be the first day of May and the first day of November in each year, instead of the first day of April and October in each year, as therein mentioned: In witness whereof, the presidents of the said respective companies have hereunto set their hands, and 50 caused the seals of the said respective companies to be hereunto affixed: And whereas, at a meeting of the shareholders of the said last mentioned company, duly called and held, the loan capital of such company was limited to the total amount of two hundred and fifty-one thousand seven hundred 55 and fifty dollars, equal to fifty-one thousand and seven hundred pounds sterling, all to be issued in first mortgage terminable bonds of such company, which such meeting duly authorized to be issued: And whereas mortgage bonds of the Lake Simcoe Junction Railway Company have been properly issued 60 to the extent of fifty-one thousand and seven hundred pounds 36 - 2

sterling (being five hundred, and seventeen bonds of one hundred pounds sterling each, and numbered consecutively from one to five hundred and seventeen inclusive) bearing date the twenty-sixth day of October, in the year of our Lord one thousand eight hundred and seventy-six, with interest coupons 5 attached, for interest at six per cent. per annum half-yearly, on the first days of May and November in each year, and the principal due on the first day of November, in the year of our Lord one thousand eight hundred and ninety-six, being for the full amount to which the loan capital of the said last mentioned 10 company was limited by the said resolution: And whereas it is declared on the face of such last mentioned bonds that they are each of them without registration or formal conveyance a first mortgage and charge upon the railway, upon all and every the undertaking, and upon the real and personal property 15 of the company, then existing, or at any time thereafter acquired, together with the franchises of the said company, and that the total loan capital of the Lake Simcoe Junction Railway Company is limited to the amount of such bonds: And whereas the said last mentioned company has never issued any 20 debenture stock: And whereas the directors of said company have had issued in all three hundred and forty-one shares of the capital stock of such company as paid up: And whereas doubts have arisen as to whether the same have been all legally paid up, on account of certain allowances and compositions 25 made by the directors to the subscribers for stock: And whereas the shareholders of such company, at their last annual meeting, holden on the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, by resolution duly approved of the said allowances and composi- 30 tions, and of the issue of said three hundred and forty-one shares of capital stock as paid up: And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 35

as follows:

Interpretation "the company," "the agreement."

1. In the construction of this Act the words "the company" shall mean The Lake Simcoe Junction Railway Company, and the words "the agreement" shall mean the agreement between the Lake Simcoe Junction Railway Company and the 40 Toronto and Nipissing Railway Company, mentioned in the above recitals, unless the context requires a different interpretation of the words hereby interpreted.

Shareholders' resolutions, &c., confirmed

2. The action and resolution of the shareholders and directors of the company respectively, as set out, described and 45 mentioned in the above recitals thereof, are hereby confirmed and are declared to have been and to be legal, valid and binding, and the meetings at which said resolutions were respectively passed, are hereby declared to have been properly and lawfully called and held.

Agreement between L. S. J. R. and T. & N. R., confirmed.

3. The agreement between the company and the Toronto and Nipissing Railway Company, as amended by the endorsement thereon, as both are set out, described and mentioned in the above recitals, are hereby declared to have been properly and lawfully entered into, and to have been and to be legally 55 valid and binding.

4. It shall be lawful for the directors of the company at any Power to alter time, and from time to time, hereafter, with the sanction of the agreement. shareholders, obtained at any general, annual or special general meeting called for the purpose, and with the assent of the 5 holders of five hundred and seven of the bonds of the company, and of the Toronto and Nipissing Railway Company to alter or change the agreement in any and every respect that may be agreed upon by said directors with said sanction of the said bondholders and the Toronto and Nipissing Railway 10 Company.

5. The total loan capital of the company is hereby limited Loan capital to the said sum of two hundred and fifty-one thousand seven limited. hundred and fifty dollars of lawful money of Canada, or fiftyone thousand and seven hundred pounds sterling, and the total 15 amount thereof is hereby declared to have been issued in the said first mortgage bonds mentioned in the above recitals.

6. The power of the company to create or issue debenture Debenture stock is hereby abolished and repealed.

7. The said first mortgage bonds of the company amounting Issue of mort-20 in all to the sum of fifty-one thousand and seven hundred gage bonds confirmed. pounds sterling are hereby declared to have been issued according to law, and the provisions of the Act of the Legislature of the Province of Ontario, passed in the thirty-ninth year of the reign of Her Majesty, Queen Victoria, chaptered seventy-six, 25 intituled "An Act respecting the Lake Simcoe Junction Railway Company," and to be good and valid first mortgage bonds of the company, and the only and total loan capital and first mortgage bonds and charge of the company, and the same shall have co-ordinate lien and be without any preference of one 30 above another, and without registration or formal conveyance, shall be the first preferential lien, claim and charge upon the railway, upon all and every the undertaking, and upon the real and personal property of the company, including its rolling stock and equipment existing at the date of the issue of the 35 said bonds, and at any time thereafter acquired, together with the franchises of the company, and each holder of any of the said bonds shall rank and stand pro rata with all the other holders thereof.

8. It shall be lawful for the directors, at any time hereafter, Bonds may be 40 with the assent of the then holders of five hundred and seven divided into of the bonds of the company to call in and cancel all the bonds of the company then issued, and by resolution to divide the said loan capital of the company into two classes of bonds, the one to be called first mortgage bonds, and the other second 45 mortgage bonds, and to limit the issue of first mortgage bonds to any sum less than fifty-one thousand and seven hundred pounds sterling (and they are in such case hereby given power to issue second mortgage bonds for the residue of the said sum of fifty-one thousand and seven hundred pounds sterling) and 50 both classes of bonds shall have the effect and create the same lien, charge and incumbrance upon the said undertaking, and the property, real and personal, and the franchises of the company, and the holders thereof shall be in the same position and hold and enjoy the same powers, privileges and rights as 55 the holders of first mortgage bonds in all respects, save and

Issue of first and second mortgage bonds.

except that as between the two classes of bonds, and the holders thereof, second mortgage bonds shall have and take rank and priority and form an incumbrance, charge and lien upon the said undertaking, and the property, real and personal, and the franchises of the company immediately after such first mortgage bonds, and not equally or simultaneously with them: and upon such calling in and division into such two classes with such assent as aforesaid, the directors shall issue first mortgage bonds to the amount mentioned in the resolution, by them so to be passed limiting the amount thereof, and second mortgage 10 bonds for the balance of the loan capital, so that the total of both kinds of bonds shall in all amount to, but not exceed, fiftyone thousand and seven hundred pounds sterling, and both such issues of bonds may be made payable at such place or places and upon such time or times, with interest at the rate of six 15 per centum per annum, half-yearly, as may be agreed upon between said directors and bondholders, and the directors shall deliver the said two issues of bonds when issued to the holders of the bonds, so called in and cancelled, in the place and stead thereof, and in the same proportionate amounts that they held 20 the bonds so called in and cancelled.

Re-issue and renewal of bonds per-mitted.

9. The directors of the company are hereby authorized and empowered, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, from time to time and as 25 often as they may deem advisable, to re-issue and renew the whole or any part of any bonds of the company, and at any time and from time to time with the assent of the holders thereof, or of any part thereof, to call in and cancel any of the said bonds and issue new or other ones in the place thereof.

Bonds to be first charge and lien on

10. All the said bonds which have been issued by the company, and all others which shall hereafter be issued in renewal or exchange thereof, shall, without registration or formal conproperty of Or exchange thereof, shan, the company veyance be, and be taken and considered to be, (and to have been from the issue thereof) a first and preferential claim and 35 charge, each bond pro rata with all the others, upon the rent, percentage of gross earnings or money in the nature of rent, or any other moneys which have become, are now, or may hereafter be or become, payable to the company, or the holders of the bonds of the company under the said agreement with the 40 Toronto and Nipissing Railway Company, as it now stands or as it may hereafter be altered or changed under the provisions for so doing contained in this Act, and upon any rent or money in the nature of rent, or any other moneys which may be payable to the said company under any lease or arrangement with 45 any other company or companies for the leasing or working or use of the said railway, for securing the payment of the interest on such bonds and of such portion of the principal thereof as may become due, and payable during the term of the agreement, or of such lease or arrangement: Provided always that 50 the rank, preference and priority of first and second mortgage bonds, if the latter should be issued, and of the holders thereof as between themselves and the said two classes of bonds, as established by section eight of this Act, shall extend to this section and every matter and thing therein contained:

Proviso.

11. The issue and delivery of shares as paid up of the capital Delivery of stock of the company to A. S. Anderson, John Boyd, Samuel certain shares Baine, Archibald F. Campbell, James H. Beatty, I. N. Blake,

Edward Brook, J. C. Boyd, Joseph Cook, John Curtis, William ⁵ Cane, Thomas Donnell, George Evans, George French, J. H. French, R. W. Forrest, John Gibson, Robert Grey, David Graham, A. L. Gould, James Hamilton, William Henry, I. L. Howard, James Hopkins, Anson Jones, A. Massington, A. Miller,

A. Meiers, John Quebell, Joseph Pegg, Stephen Pask, George 10 Rear, Thomas Rear, R. A. Riddell, W. S. Ramsay, R. Rowan, W.H. Rowan, S. Shuttleworth, I. R. Stevenson, Joseph Sheppard, Mrs. Jane Shell, Thomas Weir, John Yates, W. D. Townley, S. Woodcock, to the extent in all of three hundred and forty-one

shares, is hereby confirmed and declared to have been and to be 15 lawful issues and deliveries thereof respectively, and are and shall be deemed and taken to be paid up in full to all intents and purposes whatever as fully and effectually as if the same had been fully paid for in money, and the holders thereof and their assignees, and the original subscribers therefor are hereby respec-

20 tively declared to be free from any liability for calls in respect thereof or for payment thereof or otherwise howsoever, and all subscriptions of stock heretofore cancelled by the company for which no stock has been issued, are hereby declared to have been legally and validly cancelled.

12. At the conclusion of the term of office of the present Number of directors and thereafter the total number of directors of the company shall be five, who shall be elected by the shareholders and bondholders entitled to vote at the next general annual meeting of the company, or at any subsequent election of such 30 directors.

13. Sections nine, ten, eleven, twelve and fifteen of the Secs. 9, 10, 11, Act passed in the thirty-ninth year of Her Majesty's reign and Vic., cap. 76, chaptered seventy-six and all other sections and parts of sec-repealed. tions of the Act of the Legislature heretofore passed in refer-35 ence to the company inconsistent with this Act are hereby repealed. 36 - 2

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL

An Act respecting the Lake Simcoe Junction Railway Company.

1st Reading.

1879.

PRIVATE BILL.

MR. LAUDER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

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WHEREAS the Lake Simcoe Junction Railway Company Preamble. has petitioned that an Act may be passed to amend the Acts relating to the said Company, and to extend the powers on it thereby conferred; and whereas the said company here-5 tofore entered into an agreement in writing with the Toronto and Nipissing Railway Company, properly executed under the signature of the respective presidents and respective corporate seals of the said two companies, in the words and figures following, that is to say: This Indenture, made the fourteenth day 10 of July, one thousand eight hundred and seventy-six, between the Lake Simcoe Junction Railway Company, of the first part, and the Toronto and Nipissing Railway Company, of the second part; whereas by an Act of the Parliament of the Province of Ontario, entitled An Act to incorporate the Lake 15 Simcoe Junction Railway Company, the said last mentioned company, are empowered to construct a railway from some point on Lake Simcoe, in the vicinity of Sutton, in the County of York, to some point on the line of the Toronto and Nipissing Railway Company, at or near the Village of Stouffville, in said 20 county; and whereas, by the said Act, it is amongst other things enacted that it shall be lawful for the said parties of the first part, and any other railway company in the Province of Ontario, to enter into any agreement for leasing the said railway, or any part thereof, to such other company, and that any 25 company accepting or executing such lease and agreement shall exercise all the rights, powers and privileges in said Act contained; and whereas the construction of the said projected railway will open up the trade of a large section of country, which it is of importance to the City of Toronto to attract and 30 secure, and which will contribute an entirely new and extensive traffic to the existing line of the said parties of the second part; and whereas it is the mutual interest of the said parties hereto to secure permanent connections between the existing line of the Toronto and Nipissing Railway and the projected 35 railway of the said parties of the first part in order to accelerate the construction and completion of the said projected line, and to secure thereafter the efficient and profitable working thereof, the said parties of the second part have agreed to enter into an agreement with the said parties of the first part to work their 40 said railway for twenty-one years upon the terms and conditions hereinafter mentioned: Now This Indenture witnesseth the said parties of the first and second parts, each of them for themselves, their successors and assigns respectively covenant and agree with the other of them in manner following, that is 45 to say: That the said parties of the first part will forthwith, by all reasonable means and resources within their power and

control, build and complete the said projected line of railway from the terminus on Lake Simcoe to the point of junction of the same with the line of the Toronto and Nipissing Railway at or near Stouffville, in the manner described in the schedule hereto annexed, marked A, and in the plans and specifications 5 therein referred to, provided that the terms of the said schedule, plans and specifications may at any time be altered or changed by the consent of the presidents of the respective parties hereto in writing, but the said line of railway shall not be deemed complete, nor the said parties of the second part required to 10 work the same until their managing director shall have certified in writing his satisfaction and approval thereof, in accordance with the said schedule, plans and specifications, as regards ballast, drainage, sidings, fences, signals station houses, and all other matters and things required for the proper management 15 and working of the railway, and also the reasonable sufficiency of station grounds, and purchase and payment of the right of way taken and required: The parties of the first part do hereby agree with the parties of the second part, that the parties of the second part shall work the whole of said railway from 20 the point of junction of the same with the Toronto and Nipissing railway to the terminus thereof on the shore of Lake Simcoe, and the parties of the first part shall place the said parties of the second part in possession thereof when the same is completed and ready to be opened for freight and passenger traffic, 25 and that the parties of the second part shall have possession of the railway when completed and opened as aforesaid, and shall said work the said railway for the period of twenty-one years, to commence and take effect from the date at which the same is so completed and ready to be opened for traffic, and possession 30 thereof given to the parties of the second part, and the parties of the second part shall pay to the parties of the first part therefor, half-yearly, during the said term such sums as shall amount to twenty-five per cent. of the gross receipts arising from the traffic carried on the said railway of the said parties 35 of the first part, such traffic not to include any matter or thing carried by the parties of the second part for their own use or service on either railway, such percentage of the gross receipts as aforesaid to be applied by the said parties of the second part:-firstly, in or towards payment of the interest of the 40 mortgage bonds, hereafter mentioned, authorized to be issued by the said recited Act, or any amendments made or which may be made thereto by the said parties of the first part: secondly, to pay any residue of such percentage to the said parties of the first part: And it is also agreed by and between 45 the said parties hereto, that the issue to be made of debentures upon the security of the said railway under the powers of the said recited Act or any amendments thereto shall not, unless with the consent of the said parties of the second part, exceed in the whole a sum equivalent to nine thousand five hundred 50 dollars for each mile of said railway, and that the interest thereof shall not exceed six per cent. per annum, and shall be made payable on the first days of April and October in each year respectively, and the production by the said parties of the second part of the interest coupons of the said debentures so paid 55 and redeemed from time to time as aforesaid, shall be taken and received by the said parties of the first part in payment or part payment of the percentage of twenty-five per cent. of gross receipts to be paid to the said parties of the first part as aforesaid: The said parties of the second part do hereby agree 60

and become bound to provide the necessary locomotive engines, cars and other rolling equipment requisite for the proper and efficient working of the said railway so soon as the same shall have been completed and possession given to them as before 5 specified, and shall also supply all the fuel and other materials and things required for working the same, and shall, during the continuance of these presents, work the said railway, and efficiently repair, renew, keep in order, and maintain the same at the expense of said parties of second part, and shall also keep open 10 and maintain a station at Vivian and a flag station at Ballantrae, and stations at Mount Albert and Sutton, and at the Town Line between the Townships of North and East Gwillimbury, as required by the by-laws granting aid to said parties of the first part, and the bonds given by said parties of the first part to 15 the Township of Whitehureh and the County of York, and shall insure and keep insured at the expense of the said parties of the second part, the buildings connected with said railway for not less than two-thirds of their value, in the name of the parties of the first part, but loss, if any, to be payable to the 20 parties of the second part, or assignments to be made to them if, and whenever required, and shall pay all taxes which may be assessed or levied upon said railway, and the works and buildings connected therewith: That the said parties of the second part shall have, during the continuance of the said term, 25 entire control and management of the said railway, as well in regard to the regulating and settling, from time to time, the amounts and rates of tolls, fares, freight and other charges to be paid, collected and taken thereon, and the mode of collecting and receiving the same, and the time and manner of 30 payment thereof, and the time and manner of the running of trains, and the nature and number thereof, and all other matters and things in any way touching or incident to the using, operating and working of the said railway, and the development of its traffic, and shall have all the rights, powers and 35 privileges conferred upon said parties of the first part, by their Act of Incorporation and amendments thereto, and all other statutes or laws in force relating to the said parties of the first part, so far as they shall require to use or exercise the same for the proper management of the said railway and traffic thereof, 40 and for all purposes whatsoever in anywise connected therewith; and shall have full power and authority to use the name and seal of the parties of the first part whenever the parties of the second part find it requisite or necessary so to do for purposes relating to the working of said railway: The said parties 45 of the second part shall make and keep separate and accurate accounts of the traffic and receipts over the said railway of the said parties of the first part, such accounts to be made out to the end of each half-year, ending on the thirty-first day of December, and to the end of each year ending on the thirtieth day 50 of June, and on the first days of the months of March and September in each year, or at such other convenient date as may be mutually agreed upon by the parties hereto, the said parties hereto may severally appoint an auditor to examine the same, who shall, if they deem it necessary, have free access to and 55 liberty to investigate, inspect and take copies of the books and vouchers of the said parties of the second part, at any station

or offices on the line of the railway of the parties of the first part, and at the Toronto station of the said parties of the second part, so far as they relate to the traffic in this deed re-60 ferred to, and in the event of any difference arising in the adjustment of such half-yearly accounts between the said two auditors, they shall appoint some third person as referee between them, or in case said auditors disagree as to the appointment of said referee he shall be appointed by a judge of one of the Superior Courts for Ontario, and the decision of any two of 5 whom shall be binding upon all parties, and upon any account being passed or adopted by such auditors, the same shall be conclusive as between the parties, except as to any manifest error discovered therein, and notified in writing to the parties within six months after the passing or the adjusting of the account in 10 which the same occurs, and in computing the earnings upon such traffic as may be common to both railways, the rate charged thereupon shall be credited to each railway in proportion to the respective mileage of each railway over which the the said rate may have been charged, except in the case of cord-15 wood which shall be credited to each company at no larger rate than that limited by the respective charters for the mileage over each railway: In the event of the railway of the parties of the second part being purchased by, leased to, or amalgamated with that of any other company, such purchase, 20 lease, or amalgamation, shall be subject to the terms and conditions of this agreement and not otherwise: The said parties of the second part hereby agree to furnish the chief officers of the company of the first part, with free transit over and upon the railways of the parties hereto between Toronto and Lake 25 Simcoe, but that provided that no person whomsoever carried at any time by the parties of the second part without charge, in pursuance of this agreement or otherwise, for or at the request of the parties of the first part, or any of their officers shall have any claim against the parties of the second part for 30 or in respect of any accident, loss or injury to person or property whatsoever occurring in or about such journey, nor shall the wife or children, or executors or administrators of any such person have any such claim, the parties of the first part to make proper provision for and indemnify the parties of the 35 second part against all such claims, and all free passes given to have such exception clearly written or printed thereon: The said parties of the second part agree to maintain in manner aforesaid, the said line of railway from the time of completion and transfer of possession thereof to them as aforesaid, during 40 the whole of the said term, in good order and repair, and to deliver the same at the expiration of the said term to the said parties of the first part in good plight and condition, and in good working order: And they also agree that upon receiving ten days' previous notice in writing, they will provide a suffi- 45 cient number of engines and cars, not exceeding two engines and thirty small cars for the use of the parties of the first part, in constructing their railway for the purpose of track-laying and ballasting at a fair rental, the conductor, engine driver and fireman to be employed by the parties of the second part, 50 and the trains to be under their charge, but they are not to be liable for any accident, loss or injury to person or property occurring in working such trains, or to any person whomsoever, or to the wife or children, or executors or administrators of any such person, all such risks to be assumed by the parties of the 55 first part, or by the contractors employed by them; they also agree to carry the iron required for the said railway from Toronto or Scarborough Junction to Stouffville for the parties of the first part, at one cent and one-half per ton per mile, and to carry men and plant required by said parties of the first 60

part on said works at half the usual rates: And it is also agreed between the parties hereto, that in case any dispute arises between them as to any of the matters or things in this indenture and the said schedule and plans and specifications 5 contained, the same shall be referred to the award and arbitration of two disinterested persons, one of whom shall be appointed by each of the said parties who shall jointly choose a third disinterested party to act as arbitrator, and in case the said arbitrators disagree as to the appointment of such third 10 arbitrator, he shall be appointed by a Judge of one of the Superior Courts for Ontario, and the decision by the majority of such three arbitrators shall be final and binding, and in case either of the parties hereto shall refuse or neglect to appoint an arbitrator within twenty days after notice in writing for 15 that purpose, may be given by either of them to the other, then the decision of the arbitrator of the party giving such notice shall be binding upon both parties, provided that there shall be no hearing of the matters in dispute, unless each party be notified at least ten days previously, and be allowed to at-20 tend and be heard and to adduce evidence: It is further agreed that the parties of the first part and their directors for the time being, shall, from time to time, make, ordain and provide all such lawful rules and regulations and by-laws touching and concerning the premises as shall be required by the board of 25 directors of the parties of the second part, and again from time to time shall repeal, alter and amend the same, and make and ordain others of such description as shall be required in that behalf: Provided that this agreement shall not be binding upon the said parties hereto, or either of them, until the same 30 is accepted and approved of by the shareholders of the respective companies, so far as may be necessary, under their respective Acts of Incorporation, and that in case this agreement is not so accepted or approved of by each of said companies, the same shall thereafter become void and of no effect: In 35 witness whereof, the President of the said the Lake Simcoe Junction Railway Company, and the President and Secretary of the Toronto and Nipissing Railway Company, have hereunto set their hands and have caused the seals of the said respective railway companies to be hereunto affixed: Upon 40 which agreement was endorsed a memorandum also properly executed as aforesaid by the said two companies, in the words and figures following, that is to say: It is understood and agreed between the respective companies within named, that the time for payment of the interest of the mortgage bonds 45 mentioned in the third paragraph of the within agreement be the first day of May and the first day of November in each year, instead of the first day of April and October in each year, as therein mentioned: In witness whereof, the presidents of the said respective companies have hereunto set their hands, and 50 caused the seals of the said respective companies to be hereunto affixed: And whereas, at a meeting of the shareholders of the said last mentioned company, duly called and held, the loan capital of such company was limited to the total amount of two hundred and fifty-one thousand seven hundred 55 and fifty dollars, equal to fifty-one thousand and seven hundred pounds sterling, all to be issued in first mortgage terminable bonds of such company, which such meeting duly authorized to be issued: And whereas mortgage bonds of the Lake Simeoe Junction Railway Company have been properly issued 60 to the extent of fifty-one thousand and seven hundred pounds

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sterling (being five hundred and seventeen bonds of one hundred pounds sterling each, and numbered consecutively from one to five hundred and seventeen inclusive) bearing date the twenty-sixth day of October, in the year of our Lord one thousand eight hundred and seventy-six, with interest coupons 5 attached, for interest at six per cent. per annum half-yearly, on the first days of May and November in each year, and the principal due on the first day of November, in the year of our Lord one thousand eight hundred and ninety-six, being for the full amount to which the loan capital of the said last mentioned 10 company was limited by the said resolution: And whereas it is declared on the face of such last mentioned bonds that they are each of them without registration or formal conveyance a first mortgage and charge upon the railway, upon all and every the undertaking, and upon the real and personal property 15 of the company, then existing, or at any time thereafter acquired, together with the franchises of the said company, and that the total loan capital of the Lake Simcoe Junction Railway Company is limited to the amount of such bonds: And whereas the said last mentioned company has never issued any 20 debenture stock: And whereas the directors of said company have had issued in all three hundred and forty-one shares of the capital stock of such company as paid up: And whereas doubts have arisen as to whether the same have been all legally paid up, on account of certain allowances and compositions 25 made by the directors to the subscribers for stock: And whereas the shareholders of such company, at their last annual meeting, holden on the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, by resolution duly approved of the said allowances and composi- 30 tions, and of the issue of said three hundred and forty-one shares of capital stock as paid up: And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 35

as follows:

Interpretation "the company," "the agreement.

1. In the construction of this Act the words "the company" shall mean The Lake Sincoe Junction Railway Company, and the words "the agreement" shall mean the agreement between the Lake Simcoe Junction Railway Company and the 40 Toronto and Nipissing Railway Company, mentioned in the above recitals, unless the context requires a different interpretation of the words hereby interpreted.

Shareholders' resolutions,

2. The action and resolution of the shareholders and directors of the company respectively, as set out, described and 45 &c., confirmed mentioned in the above recitals thereof, are hereby confirmed and are declared to have been and to be legal, valid and binding, and the meetings at which said resolutions were respectively passed, are hereby declared to have been properly and lawfully called and held. 50

Agreement between the company and the Toronto between L. S. and Nipissing Railway Company, as amended by the endorse-J. R. and T. & ment thereon, as both are set out, described and mentioned in the above recitals, are hereby declared to have and lawfully entered into, and to have been and to be legally 55 valid and binding.

4. It shall be lawful for the directors of the company at any Power to alter time, and from time to time, hereafter, with the sanction of the agreement. shareholders, obtained at any general, annual or special general meeting called for the purpose, and with the assent of the 5 holders of five hundred and seven of the bonds of the company, and of the Toronto and Nipissing Railway Company to alter or change the agreement in any and every respect that may be agreed upon by said directors with said sanction of the said bondholders and the Toronto and Nipissing Railway 10 Company.

5. The total loan capital of the company is hereby limited Loan capital to the said sum of two hundred and fifty-one thousand seven limited hundred and fifty dollars of lawful money of Canada, or fiftyone thousand and seven hundred pounds sterling, and the total 15 amount thereof is hereby declared to have been issued in the said first mortgage bonds mentioned in the above recitals.

6. The power of the company to create or issue debenture Debenture stock is hereby abolished and repealed.

7. The said first mortgage bonds of the company amounting Issue of mort-20 in all to the sum of fifty-one thousand and seven hundred gage bonds confirmed. pounds sterling are hereby declared to have been issued according to law, and the provisions of the Act of the Legislature of the Province of Ontario, passed in the thirty-ninth year of the reign of Her Majesty, Queen Victoria, chaptered seventy-six, 25 intituled "An Act respecting the Lake Simcoe Junction Railway Company," and to be good and valid first mortgage bonds of the company, and the only and total loan capital and first mortgage bonds and charge of the company, and the same shall have co-ordinate lien and be without any preference of one 30 above another, and without registration or formal conveyance, shall be the first preferential lien, claim and charge upon the railway, upon all and every the undertaking, and upon the real and personal property of the company, including its rolling stock and equipment existing at the date of the issue of the 35 said bonds, and at any time thereafter acquired, together with the franchises of the company, and each holder of any of the said bonds shall rank and stand pro rata with all the other holders thereof.

8. It shall be lawful for the directors, at any time hereafter, Bonds may be 40 with the assent of the then holders of five hundred and seven divided interest two classes. of the bonds of the company to call in and cancel all the bonds of the company then issued, and by resolution to divide the said loan capital of the company into two classes of bonds, the one to be called first mortgage bonds, and the other second 45 mortgage bonds, and to limit the issue of first mortgage bonds to any sum less than fifty-one thousand and seven hundred pounds sterling (and they are in such case hereby given power to issue second mortgage bonds for the residue of the said sum of fifty-one thousand and seven hundred pounds sterling) and 50 both classes of bonds shall have the effect and create the same lien, charge and incumbrance upon the said undertaking, and the property, real and personal, and the franchises of the company, and the holders thereof shall be in the same position and hold and enjoy the same powers, privileges and rights as 55 the holders of first mortgage bonds in all respects, save and

Issue of first and second mortgage bonds. except that as between the two classes of bonds, and the holders thereof, second mortgage bonds shall have and take rank and priority and form an incumbrance, charge and lien upon the said undertaking, and the property, real and personal, and the franchises of the company immediately after such first mortgage bonds, and not equally or simultaneously with them: and upon such calling in and division into such two classes with such assent as aforesaid, the directors shall issue first mortgage bonds to the amount mentioned in the resolution, by them so to be passed limiting the amount thereof, and second mortgage 10 bonds for the balance of the loan capital, so that the total of both kinds of bonds shall in all amount to, but not exceed, fiftyone thousand and seven hundred pounds sterling, and both such issues of bonds may be made payable at such place or places and upon such time or times, with interest at the rate of six 15 per centum per annum, half-yearly, as may be agreed upon between said directors and bondholders, and the directors shall deliver the said two issues of bonds when issued to the holders of the bonds, so called in and cancelled, in the place and stead thereof, and in the same proportionate amounts that they held 20 the bonds so called in and cancelled.

Re-issue and renewal of bonds permitted. 2). The directors of the company are hereby authorized and empowered, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, from time to time and as 25 often as they may deem advisable, to re-issue and renew the whole or any part of any bonds of the company, and at any time and from time to time with the assent of the holders thereof, or of any part thereof, to call in and cancel any of the said bonds and issue new or other ones in the place thereof.

Bonds to be first charge and lien on property of the company

10. All the said bonds which have been issued by the company, and all others which shall hereafter be issued in renewal or exchange thereof, shall, without registration or formal conveyance be, and be taken and considered to be, (and to have been from the issue thereof) a first and preferential claim and 35 charge, each bond pro rata with all the others, upon the rent, percentage of gross earnings or money in the nature of rent, or any other moneys which have become, are now, or may hereafter be or become, payable to the company, or the holders of the bonds of the company under the said agreement with the 40 Toronto and Nipissing Railway Company, as it now stands or as it may hereafter be altered or changed under the provisions for so doing contained in this Act, and upon any rent or money in the nature of rent, or any other moneys which may be payable to the said company under any lease or arrangement with 45 any other company or companies for the leasing or working or use of the said railway, for securing the payment of the interest on such bonds and of such portion of the principal thereof as may become due, and payable during the term of the agreement, or of such lease or arrangement: Provided always that 50 the rank, preference and priority of first and second mortgage bonds, if the latter should be issued, and of the holders thereof as between themselves and the said two classes of bonds, as established by section eight of this Act, shall extend to this section and every matter and thing therein contained:

Proviso.

11. The issue and delivery of shares as paid up of the capital Delivery of stock of the company to A. S. Anderson, John Boyd, Samuel certain shares confirmed. Baine, Archibald F. Campbell, John H. Beatty, J. N. Blake,

Edward Brook, J. C. Boyd, Joseph Cook, John Curtis, William 5 Cane, Thomas Donnell, George Evans, George French, J. H. French, R. W. Forrest, John Gibson, Robert Grey, David Graham, A. L. Gould, James Hamilton, William Henry, I. L. Howard, James Hopkins, Anson Jones, A. Massington, A. Miller.

A. Meiers, John Quebell, Joseph Pegg, Stephen Pask, George 10 Rear, Thomas Rear, R. A. Riddell, W. S. Ramsay, R. Rowan, W.H. Rowan, S. Shuttleworth, I.R. Stevenson, Joseph Sheppard, Mrs. Jane Shell, Thomas Weir, John Yates, W. D. Townley, S. Woodcock, to the extent in all of three hundred and forty-one shares, is hereby confirmed and declared to have been and to be

15 lawful issues and deliveries thereof respectively, and are and shall be deemed and taken to be paid up in full to all intents and purposes whatever as fully and effectually as if the same had been fully paid for in money, and the holders thereof and their assignees, and the original subscribers therefor are hereby respec-

20 tively declared to be free from any liability for calls in respect thereof or for payment thereof or otherwise howsoever, and all subscriptions of stock heretofore cancelled by the company for which no stock has been issued, are hereby declared to have been legally and validly cancelled.

12. At the conclusion of the term of office of the present Number of directors. directors and thereafter the total number of directors of the company shall be five, who shall be elected by the shareholders and bondholders entitled to vote at the next general annual meeting of the company, or at any subsequent election of such 30 directors.

13. Sections nine, ten, eleven, twelve and fifteen of the Secs. 9, 10, 11, Act passed in the thirty-ninth year of Her Majesty's reign and Vic., cap. 76, chaptered seventy-six and all other sections and parts of sections of the Act of the Levillet and the sections. tions of the Act of the Legislature heretofore passed in refer-35 ence to the company inconsistent with this Act are hereby repealed.

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BILL.

An Act respecting the Lake Simcoe Junction Railway Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

PRIVATE BILL.

MR. LAUDER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to extend the limits of the Town of Walker-

HEREAS the inhabitants of the Town of Walkerton, Preamble. VV in the County of Bruce, have, by the petition of the council of the said town, prayed that the limits of said town may be extended by adding thereto the lands and premises 5 hereinafter mentioned, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The lands and premises following, that is to say, Sec. 2, of 34, farm lot number twenty in the second concession south of amended, the Durham Road, in the Township of Brant, in the County of Bruce, and the several sub-divisions thereof being:-First,-Wallace's sub-division of said farm lot containing lots 15 one, two, three, four, five, six, seven, eight, nine, ten,

eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen,

eighteen, nineteen, and twenty-one, and Robert Street, Wallace Street, and Delilah Street; Second,-Block "A," Rie's subdivision of said farm lot, containing lots one, two, three, four, 20 and five, and Block "B" of same sub-division containing lots one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, and thirteen; also the west half of the road allowance between said farm lot twenty-two and farm lot twenty-three in said second concession; also McGivern and Joseph Streets;

25 and Third,—Block "A." of Short's sub-division of said farm lot being composed of lots one, two, three, four, five, six, seven, eight, nine, ten, eleven, and twelve, and Shields, Dorland, and Ridout Streets, being land in the Township of Brant, in the County of Bruce, adjacent to the said Town of 30 Walkerton, shall be detached from the Township of Brant,

and added to the present and existing limits of said town, and section number two of chapter sixty-nine passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, intituled "An Act to Incorporate the Town of 35 Walkerton and to define the limits thereof" is amended by

adding thereto the description of the lands above described.

2. The said lands shall be in and form part of Silver Added lands to form part of Silver Creek Ward. Creek Ward in said town.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to extend the limits of the Town of Walkerton.

1st Reading,

1879.

RIVATE BILL.)

MR. SINCLAIR.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to provide for the division of the Township of of Colchester.

HEREAS George Wilson, of the Village of Essex Centre, Preamble. General Agent; James S. Laird, of the same place, Provincial Land Surveyor; and George J. Thomas, of the same place, Accountant; have, by their petition, represented that it is expe-5 dient to separate the Township of Colchester, in the County of Essex, into two distinct municipalities, inasmuch as such division of the said township will greatly promote the welfare and convenience of its inhabitants; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

1. Upon, from and after the first day of January, one thous-Township of and eight hundred and eighty, all that portion of the said Town-Colchester divided into 15 ship of Colchester, which lies north of the allowance for road Colchester between the sixth and seventh concessions, shall constitute a North and Colchester separate township or municipality under the name of Colchester South. North, and the said Township of Colchester North, shall thereafter be deemed to be such separate municipality for all muni-20 cipal, school and other purposes whatsoever, in the same manner to all intents and purposes as though the said township had always been distinct from and had never formed part of the

privileges appertaining to the other townships in the Province 25 of Ontario, and the remainder of the said township shall be a township of itself by the name of the Township of Colchester South.

said Township of Colchester, and shall enjoy all the rights and

- 2. All and every the assets and debts of the present Munici-Division of pality of Colchester shall be divided between the respective assets. 30 Municipalities of Colchester North, on the one hand, and Colchester South, on the other, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior township from a senior township, and as soon as the said debts shall have been divided as aforesaid, each of 35 the said municipalties shall be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such municipalities respectively.
- 3. The first election of municipal councillors for the said Election of Municipal 40 townships shall take place on the first Monday of January, in Councillors. the year one thousand eight hundred and eighty; and the place

for holding such election for the Township of Colchester South shall be where the last annual election of councillors for the Township of Colchester was holden, and the returning officer at such election shall be the township clerk of the present Township of Colchester; and the place for holding the election for the Township of Colchester North, shall be at the Good Templars Hall in the Village of Essex Centre, in the said township, and the sheriff for the time being of the County of Essex shall be the returning officer for the said election; and the proceedings generally in reference to such elections, and to all matters 10 not hereinafter specifically provided for, shall be the same as in the case of the separation of a junior from a senior township under the Act respecting The Municipal Act, and Colchester . South shall be deemed to have been the senior township and Colchester North shall be deemed to have been the junior 15 township.

Copy of Assessment Roll to be furnished to Returning Officer of Colchester North.

4. The clerk of the said Township of Colchester shall furnish, the returning officer of the Township of Colchester North, before the said election, a copy of the Assessment Roll of the Township of Colchester for the year one thousand eight 20 hundred and seventy-nine, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the Township of Colchester North.

PRIVATE BILL.	1st Reading,	BILL. An Act to provide for the division Township of Colchester.
LL.	1879.	division of the

PRINTED BY HUNTER, ROSE & Co.

Session, 3rd Parliament, 42 Vic.,

An Act to provide for the division of the Township of Colchester.

HEREAS certain inhabitants and ratepayers of the Preamble. Township of Colchester, in the County of Essex, have, by their petition, represented that it is expedient to separate said Township of Colchester, into two distinct municipalities, 5 inasmuch as such division of the said township will greatly promote the welfare and convenience of its inhabitants; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts

10 as follows :—

1. Upon, from and after the last Monday in December, one Township of thousand eight hundred and seventy-nine, the inhabitants of all Colchester that portion of the said Township of Colchester, which lies north North. of the centre of the allowance for road between the sixth and 15 seventh concessions, shall constitute a separate township or corporation under the name of the Corporation of the Township of Colchester North, and the said territory, shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all 20 intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

25 2. Upon, from and after the said last Monday in December, Township of one thousand eight hundred and seventy-nine, the inhabitants Colche South. of all that portion of the said Township of Colchester, which lies south of the centre of the allowance for road between the sixth and seventh concessions, shall constitute a separate township or corporation under the name of the Corporation of the 30 Township of Colchester South, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the 35 rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

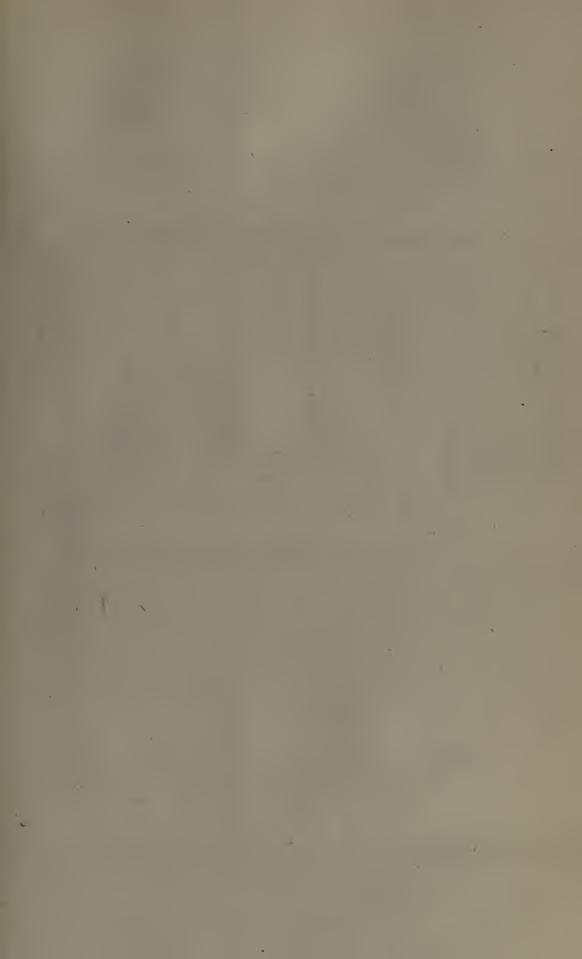
3. All and every the assets and debts of the present Munici-Division of pality of Colchester shall be divided between the said respective assets. Municipalities of Colchester North, on the one hand, and Col-40 chester South, on the other, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior township from a senior township, and as soon as the said debts shall have been divided as aforesaid, each of the said municipalities shall be bound to the payment of the 5 share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining, however, liable as surety in respect of the share (if any) of the said debts which it is not 10 its duty primarily to pay.

Election of Municipal Councillors.

4. The first nomination for the election of municipal councillors for the said townships shall take place on the said last Monday of December in the year one thousand eight hundred and seventy-nine, and the polling (if any) at such election 15 shall take place on the first Monday in January next thereafter; and the place for holding such election for the Township of Colchester South shall be where the last annual election of councillors for the Township of Colchester was holden, and the returning officer at such election shall be the township clerk of 20 the present Township of Colchester; and the place for holding the election for the Township of Colchester North, shall be at the Good Templars Hall in the Village of Essex Centre, in the said township, and the sheriff for the time being of the County of Essex shall be the returning officer for the said last men-25 tioned election: and the provisions of the Revised Statutes of Ontario respecting Municipal Institutions, having reference to the case of the separation of a junior from a senior township shall apply to the townships hereby formed, as if such townships had been a union of townships, except where it is otherwise here- 30 in specifically provided, and for the purpose of applying such provisions, the said Township of Colchester South shall be deemed to have been the senior township and the said Township of Colchester North shall be deemed to have been the junior township; and the Corporation of the Township of Colchester 35 South shall be deemed to be a continuation of the said Corporation of the Township of Colchester.

Copy of Assessment Roll to be furnished to Returning Officer of Colchester North.

5. The clerk of the said Township of Colchester shall furnish, the returning officer of the Township of Colchester North, before the said election, a copy of the Assessment Roll of the 40 Township of Colchester for the year one thousand eight hundred and seventy-nine, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the Township of Colchester North. 45



4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to provide for the division of the Township of Colchester.

(Reprinted as Amended.)

1st Reading, 29th January, 1879.

(PRIVATE BILL.)

MR. WIGLE.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act respecting Waterworks for the Town of Guelph.

WHEREAS the Council of the Corporation of the Town of Preamble Guelph, the consent of the municipal electors thereof having been previously obtained, on the twenty-first day of October, one thousand eight hundred and seventy-eight, 5 finally passed a by-law numbered three hundred and fifteen, intituled "A By-law to authorize the construction of Waterworks for the Town of Guelph;" and whereas the said by-law has been acted upon by the election of commissioners thereunder; and whereas the said corporation have by petition 10 asked for further and other powers than are contained in said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

15 as follows:

1. The by-law passed by the Municipal Council of the Py-law for Corporation of the Town of Guelph on the twenty-first day of the construc-October, one thousand eight hundred and seventy-eight, inti- works declared tuled "A By-law to authorize the construction of Water- valid. 20 works for the Town of Guelph," and numbered three hundred and fifteen, is hereby declared to have been duly and legally passed, and to be valid and binding on the said municipal council and the corporation and the inhabitants and ratepayers of the said town, and to be a sufficient compliance with the 25 provisions of the Municipal Act so as to give effect to the same and to authorize the construction of the said waterworks, and the election of commissioners thereunder and the issue of debentures thereby authorized to be issued by the said corporation of the Town of Guelph to the amount of seventy-five 30 thousand dollars named in the said by-law as the amount of the debt intended to be created by the construction of the said waterworks.

2. After the passing of this Act, the following sections there- Act substitutof shall be substituted for the said by-law: Provided always ed for by-law. 35 that all contracts entered into, proceedings taken, or acts here- Proviso. tofore done under the said by-law shall not be affected by this Act.

3. The Corporation of the Town of Guelph, by and through Corporation of the agency of commissioners and their successors to be Guelph may construct, etc. 40 elected and appointed as hereinafter provided, may, and shall waterworks. have power to design, construct, build, purchase, improve,

hold, and generally maintain, manage and conduct waterworks and all buildings, materials, machinery, and appliances therewith connected or necessary thereto in the Town of Guelph and parts adjacent as hereinafter provided.

Commissioners to be a body corporate.

4. The commissioners and their successors shall be a body corporate under the name of "The Water Commissioners for the Town of Guelph," and shall be composed of not less than three and not more than five members as the council of said town may decide, of whom the Mayor of the Town of Guelph shall be ex officio one, and the said commissioners shall have all the 10 powers necessary to enable them to build the waterworks hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Duty of commissioners.

5. It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to supply-15 ing the said Town of Guelph with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Powers.

6. The commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase such lands and buildings, waters, and privileges as in their opin-20 ion may be necessary to enable them to fulfil their duties under this Act.

Power to enter on lands, appropriate streams, contract, etc.

7. It shall, and may, be lawful for the said commissioners, their agents, servants, and workmen, from time to time, and at such times hereafter as they shall see fit, and they are 25 hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Guelph, or within ten miles of the said town, and to survey, set out, and ascertain, such parts thereof as they may require for the purposes of the said waterworks, also to 30 divert and appropriate any river, ponds of water, spring, or stream of water therein as they shall judge suitable and pro per, and to contract with the owner or occupier of the said lands and those having a right in the said water for the purchase thereof, or of any part thereof, or of any privilege that 35 may be required for the purposes of the said water commissioners, and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water or the natural flow thereof or any such privilege as aforesaid respecting the 40 amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two 45 arbitrators shall within ten days after their appointment appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of Wellington shall, on application by either party, appoint such third arbi- 50 trator in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this province, or shall refuse to appoint an arbitrator on his or her behalf; in

Arbitration.

case such lands, or water privileges be mortgaged or pledged to any person or persons, the Judge of the said County Court on application being made to him for that purpose by the commissioners shall nominate and appoint three indifferent 5 persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writ-10 ing shall be final and the said arbitrators shall, and they are hereby required to attend at some convenient place, at or in the vicinity of the said town to be appointed by the said commissioners after eight days' notice given for that purpose by the said commissioners there and then to arbitrate and 15 award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested and also the costs attending said reference and award and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County 20 of Wellington, well and truly to assess the value or damages between the parties to the best of his judgment, and the Justice of the Peace before whom the said arbitrators, or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect: Provided always that any Proviso. 25 award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so 30 awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same and in default of such payment, the proprietor may resume possession of his property and all his rights shall there-

8. The lands, privileges, and water, which shall be ascer-Lands, privitained, set out, or appropriated by the said commissioners, for leges and works vested tained, set out, or appropriated by the said commissioners, for works vested the purposes thereof, as aforesaid, shall thereupon and forever in Corporation 40 thereafter be vested in the Corporation of the Town of Guelph, of Guelph. and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect, and maintain, in and upon the said lands, all such reservoirs, waterworks and machinery requisite for the said undertaking, and to 45 convey the water thereto and therefrom, in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and waterworks and the springs, streams, rivers or ponds, or waters, from which the same are procured, and the said Town of Guelph, by one or more lines of pipes, as may 50 from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands, intermediate as aforesaid, and the same to cut and 55 dig up, if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the ways,

upon revive and the award of the majority of the said arbitra-53 tors shall be binding on all parties concerned, subject as afore-

said.

railways and roads within ten miles of the Town of Guelph, and in, through, over and under the public highways, streets, lanes, railways or other passages within the said Town of Guelph, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic, or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners, or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the 10 same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the Town of Guelph, or for the uses of the corporation of the said 15 town, or of the proprietors or occupiers of the land through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said 20 commissioners, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration, as aforesaid, and all such waterworks, 25 pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the Town of Guelph.

Penalties.

9. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the 30 said commissioners, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run to waste or use- 35 less, out of the said works; or if any person shall throw or deposit any injurious, noisome, or offensive matter into the said water or waterworks, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done, every person 40 offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with costs of conviction, one-half to be applied 45 to the use of the commissioners for waterworks purposes and the other half to him or her who shall lay information; and, in case the parties suing for the same shall be the commissioners themselves, or any of their servants, officers, agents, or workmen, then the whole of the said penalty shall be applied 50 to the use of the commissioners for waterworks purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the County of Wellington for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons 55 so offending shall be liable to an action at law at the suit of

the commissioners, to make good any damage done by him, her, or them.

10. The commissioners shall be and they are hereby re- Accounts to quired to keep, or eause to be kept, regular books of account, be kept and returns made. 5 and books for recording the whole of their official proceedings, and the commissioners, and the clerks employed in their service, shall be sworn before a justice of the peace to the faithful performance of their duties, and all such books shall be open to the examination of any member of the Town Council 10 of the Town of Guelph, or of any person or persons appointed for that purpose by the Corporation of the Town of Guelph, and shall annually, on or before the thirty-first day of December, in each and every year, make a report to the Corporation of the Town of Guelph of the condition of the works under 15 their charge, accompanied by a statement of their receipts and expenditures on account of the same.

11. The commissioners and their successors shall, from time Further state to time in each year, deliver to the council of the said corpora-required. tion such other statement of the affairs of the said waterworks; 20 as the said corporation may consider necessary, and which will afford to the citizens of the Town of Guelph a full and complete knowledge of the state of affairs of the said waterworks, and such information as may be required by the Corporation of the Town of Guelph, and all the accounts relating to the said 25 waterworks may be audited by the auditor of the said corporation in regular course.

12. The commissioners for the time being shall regulate the Power to regudistribution and use of the water in all places and for all pur-late use of poses where the same may be required, and from time to time 30 shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places, as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion: Provided always Provise. 35 that all hydrants, conduits, or other appliances which the Corporation of the Town of Guelph may require under this Act, for the purpose of extinguishment of fires, shall be placed as

13. The commissioners shall have power and authority, and Rates. it shall be their duty, from time to time, to fix the price, rate or rent (such price, rate, or rent not being less after the completion of the works than sufficient to pay the interest and sinking fund upon the debentures issued for the construction

the Corporation of the Town of Guelph shall direct, and shall be under their exclusive control and direction when erected.

45 of the works and the expenses of maintaining and working the same) which any owner or any occupant of any house, tenement, lot, or part of a lot, or both, in, through, or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or

50 not, having due regard to the assessment, and to any special benefit and advantage derived by such owner or occupant, or conferred upon his or her, or their property, by the waterworks, and the locality in which the same is

perty.

Rates to be a situated, and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge, unless paid, upon such real estate, in the same way and manner as other taxes assessed on real estate in the Town of Guelph are liens; and the water com- 5 missioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs, and public buildings; and in order to prevent the waste of water, and settle disputes arising therefrom, as to the quantity supplied to any consumer, the same 10 commissioners are hereby empowered to erect or place water meters, or other water-measuring apparatus, on the premises of the consumer whenever they may deem it expedient so to do, the cost thereof to be borne by such consumer.

Rates paid to be paid over to town treasurer.

14. All water rates and water rents, when collected, less 15 disbursements by the commissioners, shall be paid over monthly by the said commissioners to the Treasurer of the Town of Guelph.

Power to make and enforce by-laws.

15. The commissioners shall have power, from time to time, to make and enforce all necessary by-laws, rules, and regula- 20 tions for the general maintenance; or the management or conduct of the said waterworks, officers, and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times (which shall be quarterly) when and the places where the 25 same shall be payable, also for allowing a discount for prepayment, and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and 30 chattels in his or her possession, wherever the same may be found, within the Town of Guelph or County of Wellington, or of any goods and chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; such distress and sale shall be conducted in the same 35 manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of 40 any such rate uncollected and unpaid, and continuing a lien upon the premises, as hereinbefore provided, the amount of such rate so in arrears shall be returned by the commissioners to the Treasurer of the Town of Guelph annually, on or before the eighth day of April in each and every year, and the same, to- 45 gether with interest, at the rate of ten per centum per annum thereon, shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

Proviso.

Commissionbe sued.

16. The commissioners may prosecute or defend any actions ers to sue and or process at law or in equity, by the name of "The Water Commissioners of the Town of Guelph," against any person or persons, for money due for the use of the water, for the

breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass, or nuisance, done or suf-5 fered, to the water courses, source of water supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

17. The commissioners shall have power, with the consent Power to emof the Corporation of the Town of Guelph, to employ the ploy town collectors and town collectors, assessors, and such other persons as in their others. opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to 15 fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall 20 have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in

the Town of Guelph may by law possess and enjoy.

- 18. The commissioners and their officers shall have the like Protection in protection in the exercise of their respective offices and the exercise of 25 execution of their duties as justices of the peace now have under the laws of this Province.
- 19. If any person or persons shall lay, or cause to be laid, Penalty for any pipe or main to communicate with any pipe or main of drawing off the said waterworks, or in any way obtain or use any water 30 thereof, without the consent of the commissioners, he or they shall forfeit and pay to the commissioners, for waterworks purposes, the sum of fifty dollars, and also a further sum of five dollars for each day, or part of a day, or night, or part of a night, during which such pipe or main shall so remain, 35 which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

20. If any person shall bathe or wash or cleanse any cloth, Penalty for wool, leather, skin, or animals, or place any nuisance or offen-fouling water. 40 sive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the said waterworks is obtained, or shall convey, or east or throw, or put any filth, dirt, dead carcase, or other noisome or offensive 45 things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled, every such person shall, on conviction there-50 of before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for waterworks purposes and the other half to him or

her who shall lay the information; and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for waterworks purposes, and such justice may also, in his discretion, 5 further condemn such person to be confined in the common gaol of said county, for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

Power to impose penalties they are hereby authorized and empowered, to make such byfor the wrong-laws as to them shall seem requisite and necessary for prohibit-21. It shall and may be lawful for the commissioners, and 10 water, and to ing, by fine not exceeding twenty dollars, for waterworks purregulate supposes, or imprisonment not exceeding one calendar month, (the amount of such fine and the duration of such imprisonment, 15 and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceedings may be taken for enforcement thereof), any person, being occupant, tenant, or inmate of any house supplied with water from the said water- 20 works, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her, or their own use and benefit, or from increasing the supply of water agreed for 25 with the said commissioners, or from wrongfully neglecting, or improperly wasting the water, as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted there- 30 for, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine, for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the 35 commissioners with regard to the water so supplied.

Vacant spaces chargeable.

22. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the 40 cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owners.

Service-pipes, etc., to be un-der control of

23. The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with 45 commissioners all branches, couplings, stopcocks, and apparatus placed therein by the commissioners, shall be under their control, and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or the 50 owner of the premises; the stopcock placed by the commissioners inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the premises.

- 24. All parties supplied with water by the commissioners Taps. may be required to place only such taps for drawing and shutting off the water as may be approved of by the commissioners.
- 25. Neither the water commissioners nor the Corporation Non-liability of the Town of Guelph shall be liable for damages caused by for breakage the breaking of any service pipe or attachment, or for any shut- Provise ting off of the water to repair mains, or to tap the pipes: Provided notice be given of the intention to shut off the water 10 when the same is shut off more than six hours at any one time.

26. It shall be lawful for the officers of the water commis- Right of acsioners, and every person authorized by them for that purpose, cess. to have free access, at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all 15 parts of every building in which water is delivered and consumed.

27. If any person or persons, not being in the employment Penalty for of the water commissioners, or not being a member of the fire interfering with hydrants, brigade of the said town, and duly authorized in that behalf, etc. 20 shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock, chamber, or hydrant chamber, by placing on it any building material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay, for each offence, a 25 sum not exceeding twenty dollars, to be applied to the use of the commissioners for waterworks purposes, or, in default of payment, be imprisoned in the common gaol of the county for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day, or part of a day, 30 night, or part of a night, such obstruction shall continue shall be considered a separate offence.

28. A majority of said commissioners shall constitute a Quorum quorum for the transaction of any business allowed or required by virtue of this Act.

35 29. The water commissioners are hereby empowered to ar- Extension in range for the extension of pipes in suburbs and partially built suburbs. portions of the town, by allowing a deduction from the price charged for the water, to such extent as the commissioners 40 shall see fit, when the said pipes are laid at the cost of the parties, under the directions of the commissioners, and subject to their approval; or the commissioner's may lay the pipes, charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which inter-45 est, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

30. The water commissioners shall have power and author- Authority to ity to supply any corporation, person or persons, with water, supply water 50 although not being resident within the Town of Guelph, and towns. may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well

Proviso.

within the suburbs of as within the Town of Guelph, and they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided that no power shall be exercised under this section without the consent and approbation of the Corporation of the Town of Guelph.

Property exempt from taxation.

31. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining or belonging to the waterworks shall be exempt from 10 taxation, unless the Corporation of the Town of Guelph by by-law shall direct that they be liable to taxation.

Limitation of actions.

32. If any action or suit be brought against any person or persons, for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act 20 committed, or in case there shall be a continuation of damages, then, within one year after the original cause of such action arising.

Officers to have powers of officers of the peace.

33. The watchman and other officers of the water commissioners, when in the discharge of their duties, shall be ex officio 25 possessed of all the powers and authority of officers of the peace

Issue of debentures.

34. For the purpose of acquiring the necessary lands, rights and privileges, and constructing the said waterworks, and for the extension and repairs of the said waterworks, or for the 30 purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Mayor for the time being of the Corporation of the Town of Guelph shall have power, without any by-law of the corporation, to issue debentures of the said Town of Guelph, to be called "Waterworks 35 Debentures," for a sum of money not exceeding seventy-five thousand dollars of lawful money of Canada, in such sums, not less than one hundred dollars, or twenty pounds sterling money, as shall to said corporation seem expedient, which debentures shall become payable in manner and at the times fol-40 lowing, that is to say, within a period of thirty years from the date of the respective issues thereof, and shall bear interest after a rate not exceeding six per centum per annum, such interest to be payable half-yearly, and shall be under the seal of the said Corporation of the said Town of Guelph, and shall 45 have coupons attached for the payment of the said half-yearly interest, and such debentures shall be signed by the mayor and treasurer of the said town for the time being, and may be made payable either in sterling or currency, in this Province, Great Britain, or elsewhere, as to the Mayor of the Corporation 50 of the Town of Guelph shall seem expedient; and for the purpose of paying the annual instalments of the said debt of seventy-five thousand dollars and the interest thereon, as they respectively become due, an equal annual special rate of two mills in the dollar, in addition to all other rates, shall be 55 raised, levied, and collected in each year, upon all the ratable property in the said Town of Guelph, during the continuance

of the said debentures, or any of them; such instalments and interest as follows:

		Principal.	Interest.
The year	1879		\$4,500
•	1880		4,446
	1881		4,386
	1882	1,100	4,320
	1883		4,254
	1884		4,182
	1885		4,104
	1886		4,020
	1887		3,930
	1888	. 1,700	3,834
	1889		3,732
	1890		3,624
	1891		3,510
	1892	. 2,100	3,390
	1893		3,264
	1894		3,126
	1895	. 2,500	2,982
	1896	. 2,600	2,832
	1897	. 2,800	2,676
	1898	. 2,900	2,508
	1899	. 3,000	2,334
	1900	. 3,200	2,154
	1901	. 3,500	1,758
	1902	. 3,500	1,758
	1903	. 3,700	1,548
	1904	. 3,900	1,326
	1905		1,092
	1906		846
	1907	. 4,700	482
	1908	. 5,000	300

And, for the purposes aforesaid, the Corporation of the said Town of Guelph shall have power to issue debentures of the said town, to be called waterworks debentures, for an addition-5 al sum of money not exceeding twenty-five thousand dollars of lawful money of Canada, in such sums and payable, with interest, in manner aforesaid; and the said Corporation of the Town of Guelph shall raise, levy, and collect, in each year, upon all the ratable property in the said town, during the continu-10 ance of the said debentures, or any of them, an equal and special rate, for the purpose of paying the annual instalments and the interest of the said last named debentures, or for the purpose of providing a sinking fund for the payment of the same; but every by-law for raising upon the credit of the said 15 municipality any portion of the said twenty-five thousand dollars shall, before the final passing thereof, receive the assent of the municipal electors of the Town of Guelph, in the manner provided for in the two hundred and eighty-sixth section of the Municipal Act.

20 35. Such debentures, when issued, shall be deposited in Deposit of de some of the chartered banks having an office in the Town of bentures.

Guelph, and the proceeds of such debentures shall be paid into

some chartered bank, and kept separate from any other funds of the said town, and the same shall only be paid out on the cheque of the mayor and treasurer for the time being of the Town of Guelph, and the chairman for the time being of the said water commissioners, as may from time to time be required 5 for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said waterworks: Provided always that nothing 10 herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the contractor or contractors, or others, in debentures, either at par or at such rate of discount as the commissioners shall, in their judgment, deem advisable, with the assent of the Corporation of the 15 Town of Guelph thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Guelph.

Proviso.

Works to be liable for moneys borrowed. 36. The said waterworks to be erected and constructed under this Act, and also the lands to be acquired for the purpose 20 thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the 25 interest thereupon, and all, each, and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, or hypothec or privilege on the said lands, waterworks, and property appertaining thereto for securing the payment of the said debentures and the inter-30 est thereon.

Revenues to be paid over

37. After the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said waterworks, to be acquired by the said corporation under this Act, shall, after 35 providing for the expenses attendant upon the maintenance of the said waterworks, be paid over to, and deposited monthly with, the treasurer of the said corporation of the Town of Guelph, as hereinbefore provided, and shall make part of the general funds of the corporation and may be applied 40 accordingly.

Sale of property where no longer required.

38. The Corporation of the Town of Guelph may dispose of any real or personal property acquired by them for waterworks purposes, when no longer required, and, until sold, demise, and lease the same.

45

Irregularity not a bar.

39. No irregularity in the passing of any by-law under this Act, or in the forms of the said debentures authorized by this Act in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any, or either of them, or any part thereof.

Commissioners to be three or five.

40. There shall not be less than three nor more than five

commissioners, as may be decided by the council of the town, of whom the Mayor of the Town of Guelph for the time being shall be ex officio one, and the others of whom shall be elected by the ratepayers of the said town qualified by municipal law 5 to vote for councilmen, in manner and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the Council of the Corporation of the Town of Guelph may by by-law determine; the three commissioners elected under the said by-law shall be commis-10 sioners under this Act for the current year, unless the council add to their number, or in case the said council shall decide by by-law that the number of commissioners shall be three, when the commissioner elected by the least number of votes shall, on a day to be named in the by-law, cease to be a commissioner, 15 and the mayor shall act in his stead.

41. The said water commissioners shall hold office for the Commissionterm of one year, except the commissioners for the current year, ers to hold who shall hold office until the third Monday of January next year. following their election, and after the said first election the 20 commissioners shall be elected to the said office at the same time and in the same manner as councilmen, and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to councilmen, shall apply in all particulars, not inconsistent with this Act, to the said commis-25 sioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise.

42. A water commissioner may resign his office and shall Commissioncease to hold office for the same cause as by municipal law the ers may resign seat of a councilman in the council becomes vacant; in case of 30 a vacancy in the office of water commissioner during the term of his office, the Council of the Corporation of Guelph shall appoint a person to fill that vacancy, and the person so appointed shall hold office for the residue of the time for which his predecessor was elected or appointed for which the office is to 35 be filled.

- 43. The said waterworks shall be constructed, completed, Time of comand finished, except as to the laying of additional pipes and pletion. mains, within three years from the passing of this Act.
- 44. All work under the commissioners shall be performed Work to be performed by 40 by contract.
- 45. No commissioner or councilman shall personally have Commissioner or hold any contract in connection with said works, or be di-or councilman not to hold rectly or indirectly interested in the same or any of them; no any contract. councilman shall be eligible for election or appointment as a 45 water commissioner, and no water commissioner as councilman.
- 46. The water commissioners shall have the same property property qualifications as by municipal law councilmen are required to qualifications have over and above all encumbrances, and shall, before taking of commissioner. 50 office and within ten days of their election or appointment, make oath to such qualification, before some justice of the

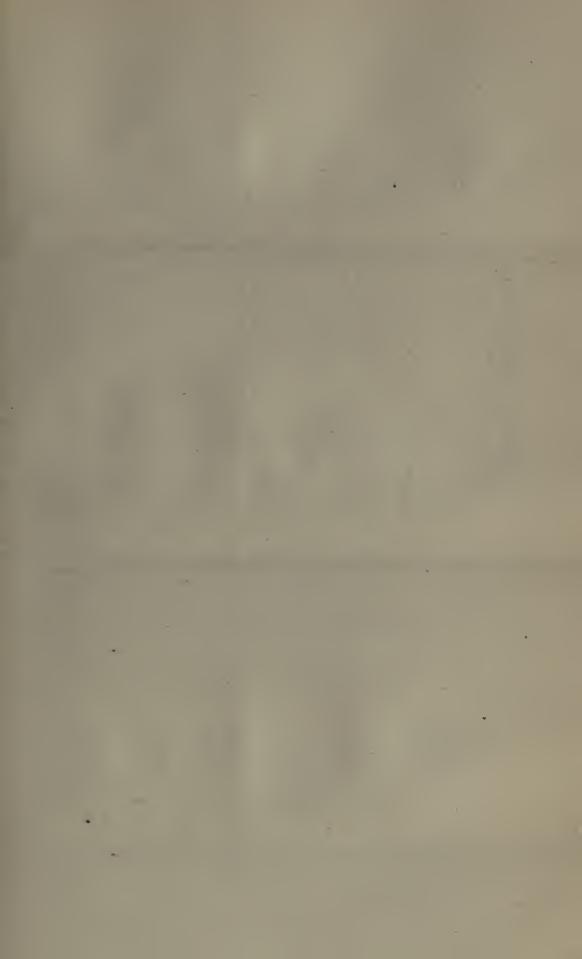
peace of the County of Wellington, and deposit the same with the Town Clerk of the Corporation of the Town of Guelph.

Corporation may assume works or re-

47. The corporation of the town may at any time assume the works, remove the commissioners and proceed with the move commis- works as if the corporation had originally undertaken the said works, but such assumption must be by by-law of the said corporation, be approved of by the municipal electors of the Town of Guelph, a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof) and a notice of the time appointed for taking a 10 poll of the electors on the proposed by-law to be published for one month in some newspaper in the Town of Guelph, such poll of the electors to be held in the same manner and at the same place, and continued for the same time as at elections for councilmen, and a majority of the electors voting at the poll 15 to vote in favour of the by-law and the by-law to be thereafter passed at some meeting of the Council of the Corporation of the Town of Gueph, held not less than ten days nor more than one calendar month after taking the said vote; the council of the town shall name the returning officers and poll clerks 20 to take the votes; the electors entitled to vote shall be such ratepayers only as are voters on the last revised assessment roll of the Town of Guelph for an estate of freehold, either legal or equitable of sufficient value to entitle them to vote at any municipal election or of leasehold the duration of which 25 shall not be less than ten years or for life, and in the lease for which leasehold the lessee covenants to pay all town taxes, and the clerk shall furnish the returning officers with a verified list of the electors; any ratepayer offering to vote on any such by-law may be required by the returning officer or any 30 ratepayer entitled to vote on any such by-law to make the following oath or affirmation before his vote is recorded: I. A. B., do solemnly and sincerely make oath (or affirm as the case may be) that I am the person named or purporting to be named in the list of electors, that I am a freeholder or lease- 35 holder (as the case may be) (and if the person votes as a leaseholder, then insert these words), that my lease extends for the period of ten years from the time of making this oath or affirmation, (or for life) that I am bound in such lease to pay all town taxes and that I am, according to law, entitled to vote on 40 the said by-law: any elector may vote in each ward of the town in which he shall have the necessary qualification: every returning officer shall on the day after the closing of the poll return his poll-book verified to the clerk of the Town of Guelph and in case of the loss or destruction of the poll-book 45 deliver a statement under oath of the number of votes for and against the said by-law at the time of the loss or destruction of the poll-book; the town clerk shall add up the number of votes, for and against the same, and certify to the council 50 whether the majority have affirmed or disapproved of the bylaw.

Qualification of voters.

Oath



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An Act respecting Waterworks for the Town of Guelph.

1st Reading, .

1879.

PRIVATE BILL.

Mr. MASSIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Waterworks for the Town of Guelph.

HEREAS the Council of the Corporation of the Town of Preamble. Guelph, the consent of the municipal electors thereof having been previously obtained, on the twenty-first day of October, one thousand eight hundred and seventy-eight, 5 finally passed a by-law numbered three hundred and fifteen, intituled "A By-law to authorize the construction of Waterworks for the Town of Guelph;" and whereas the said by-law has been acted upon by the election of commissioners thereunder; and whereas the said corporation have by petition 10 asked for further and other powers than are contained in said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

15 as follows:

1. The by-law passed by the Municipal Council of the Ly-law for Corporation of the Town of Guelph on the twenty-first day of the construction of the Town of Guelph on the twenty-first day of the construction of water-October, one thousand eight hundred and seventy-eight, inti-works declared tuled "A By-law to authorize the construction of Water- valid. 20 works for the Town of Guelph," and numbered three hundred and fifteen, is hereby declared to have been duly and legally passed, and to be valid and binding on the said municipal council and the corporation and the inhabitants and ratepayers of the said town, and to be a sufficient compliance with the 25 provisions of the Municipal Act so as to give effect to the same and to authorize the construction of the said waterworks, and the election of commissioners thereunder and the issue of debentures thereby authorized to be issued by the said corporation of the Town of Guelph to the amount of seventy-five 30 thousand dollars named in the said by-law as the amount of the debt intended to be created by the construction of the said waterworks.

2. The Corporation of the Town of Guelph, by and through Corporation of and with the consent of the said commissioners and their succonstruct, etc. 35 cessors to be elected and appointed as hereinafter provided, may, waterworks. and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage and conduct waterworks and all buildings, materials, machinery, and appliances therewith connected or necessary thereto in the Town of Guelph 40 and parts adjacent as hereinafter provided.

3. The said commissioners and their successors shall be a body Commissioncorporate under the name of "The Water Commissioners for the ers to be a

body corpor-

Town of Guelph," and the said water commissioners shall have all the powers necessary to enable them to build the waterworks hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Duty of commissioners. 4. It shall be the duty of the said water commissioners to examine, consider, and decide upon all matters relative to supplying the said Town of Guelph with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Powers.

5. The said water commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or pur- 10 chase such lands and buildings, waters, and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Power to enter on lands, appropriate streams, contract, etc.

6. It shall, and may, be lawful for the said water commissioners, their agents, servants, and workmen, from time to time, and 15 at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Guelph, or within ten miles of the said town, and to survey, set out, and ascertain, such parts thereof as they 20 may require for the purposes of the said waterworks, also to divert and appropriate any river, ponds of water, spring, or stream of water therein as they shall judge suitable and pro per, and to contract with the owner or occupier of the said lands and those having a right in the said water for the pur- 25 chase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners, and in case of any disagreement between the said cominissioners and the owners or occupiers of such lands, or any person having an interest in the said water or the natural flow 30 thereof or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the said water commissioners shall ap- 35 point one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of Wellington 40 shall, on application by either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this province, or shall refuse to appoint an arbitrator on his or her behalf or in case such lands, or water privileges be mortgaged or pledg- 45 ed to any person or persons, the Judge of the said County Court on application being made to him for that purpose by the commissioners shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order 50 the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final and the said arbitrators shall, and they

Arbitration.

are hereby required to attend at some convenient place, at or in the vicinity of the said town to be appointed by the said commissioners after eight days' notice given for that purpose by the said commissioners there and then to arbitrate and 5 award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested and also the costs attending said reference and award and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County 10 of Wellington, well and truly to assess the value or damages between the parties to the best of his judgment, and the Justice of the Peace before whom the said arbitrators, or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect: Provided always that any Proviso. 15 award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so 20 awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same and in default of such payment, the proprietor may resume possession of his property and all his rights shall thereupon revive and the award of the majority of the said arbitra-25 tors shall be binding on all parties concerned, subject as afore-

said.

7. The lands, privileges, and water, which shall be ascer-Lands, privitained, set out, or appropriated by the said commissioners, for leges and 30 the purposes thereof, as aforesaid, shall thereupon and forever in Corporation thereafter be vested in the Corporation of the Town of Guelph, of Guelph. and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect, and maintain, in and upon the said lands, all such reservoirs, water-53 works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom, in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and waterworks and the springs, streams, rivers or ponds, or waters, from which the same are procured, and the said Town of Guelph, by one or more lines of pipes, as may 40 from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands, intermediate as aforesaid, and the same to cut and 45 dig up, if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the ways, railways and roads within ten miles of the Town of Guelph, and in, through, over and under the public highways, streets, lanes, railways or other passages within the said Town of 50 Guelph, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic, or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners, or their successors, shall think 55 necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the

same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the Town of Guelph, or for the uses of the corporation of the said town, or of the proprietors or occupiers of the land through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said 10 commissioners, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration, as aforesaid, and all such waterworks, 15 pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the Town of Guelph.

Penalties.

8. If any person shall wilfully or maliciously hinder or in-20 terrupt, or cause or procure to be hindered or interrupted, the said commissioners, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or dis- 25 charge any water, so that the same shall run to waste or useless, out of the said works; or if any person shall throw or deposit any injurious, noisome, or offensive matter into the said water or waterworks, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done, every person 30 offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with costs of conviction, one-half to be applied 35 to the use of the commissioners for waterworks purposes and the other half to him or her who shall lay information; and, in case the parties suing for the same shall be the commissioners themselves, or any of their servants, officers, agents, or workmen, then the whole of the said penalty shall be applied 40 to the use of the commissioners for waterworks purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the County of Wellington for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons 45 so offending shall be liable to an action at law at the suit of the commissioners, to make good any damage done by him, her, or them.

Accounts to be kept and returns made

9. Before entering upon the duties of their office, the said 50 commissioners and the clerks employed in their service, shall be sworn before a justice of the peace to the faithful performance of their duties, and the said commissioners shall keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings and all such books 55 shall be open to the examination of any member of the Town

Council of the Town of Guelph, or of any person or persons appointed for that purpose by the Corporation of the Town of Guelph, or to any ratepayer of the said Town, and the said commissioners shall annually, on or before the thirty-first day 5 of December, in each and every year, make a report to the Corporation of the Town of Guelph of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

10. The commissioners and their successors shall, from time Further state 10 to time in each year, deliver to the council of the said corpora-ments when tion such other statement of the officer of the said corpora-required. tion such other statement of the affairs of the said waterworks; as the said corporation may consider necessary, and which will afford to the citizens of the Town of Guelph a full and complete knowledge of the state of affairs of the said waterworks, 15 and such information as may be required by the Corporation of the Town of Guelph, and all the accounts relating to the said waterworks shall be audited by the auditor of the said Town of Guelph in regular course.

11. The commissioners for the time being shall regulate the Power to regulate 20 distribution and use of the water in all places and for all pur-late use of poses where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places, as they shall see fit, and direct in what 25 manner and for what purposes the same shall be used, all which they may change at their discretion: Provided always Provisco that all hydrants, conduits, or other appliances which the Corporation of the Town of Guelph may require under this Act for the purpose of extinguishment of fires, shall be placed as 30 the Corporation of the Town of Guelph shall direct, and shall be under their exclusive control and direction when erected.

12. The sum payable by the owner or occupant of any house, Rates to be a tenement, lot, or part of a lot, for the water supplied to him lien on prothere, or for the use thereof, shall be a lien and charge on such perty. 35 house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable; and the water commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs, and 40 public buildings; and in order to prevent the waste of water, and settle disputes arising therefrom, as to the quantity supplied to any consumer, the same commissioners are hereby empowered to erect or place water meters, or other water-measuring apparatus, on the premises of the consumer whenever they 45 may deem it expedient so to do, the cost thereof to be borne by such consumer.

13. The water commissioners shall have power, from time to Power to make time, to make and enforce all necessary by-laws, rules, and regula- and enforce by laws. tions for the general maintenance, or the management or con-50 duct of the said water works, officers, and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times (which shall be quarterly) when and the places where the

same shall be payable, also for allowing a discount for prepayment, and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and 5 chattels in his or her possession, wherever the same may be found, within the Town of Guelph or the County of Wellington, or of any goods and chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; such distress and sale shall be conducted in the same 10 manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of 15 any such rate uncollected and unpaid, and continuing a lien upon the premises, as hereinbefore provided, the amount of such rate so in arrears shall be returned by the commissioners to the Treasurer of the Town of Guelph annually, on or before the eighth day of April in each and every year, and the same, to-20 gether with interest, at the rate of ten per centum per annum thereon, shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes. 25

Proviso.

Commissioners to sue and be sued.

11. The commissioners may prosecute or defend any actions or process at law or in equity, by the name of "The Water Commissioners of the Town of Guelph," against any person or persons, for money due for the use of the water, for the breach of any contract, express or implied, touching the execu-30 tion or management of the works or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass, or nuisance, done or suffered, to the water courses, source of water supply, pipes, machinery, or any apparatus belonging to or connected with 35 any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Power to employ town collectors and others.

of the Corporation of the Town of Guelph, to employ the 40 town collectors, assessors, and without such consent such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure 45 of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and 50 assessors in the Town of Guelph may by law possess and enjoy.

Protection in exercise of

16. The commissioners and their officers shall have the like protection in the exercise of their respective offices and the

execution of their duties as justices of the peace now have under the laws of this Province.

17. If any person or persons shall lay, or cause to be laid, Penalty for any pipe or main to communicate with any pipe or main of drawing off 5 the said waterworks, or in any way obtain or use any water thereof, without the consent of the commissioners, he or they shall forfeit and pay to the commissioners, for waterworks purposes, the sum of fifty dollars, and also a further sum of five dollars for each day, or part of a day, or night, or part of 10 a night, during which such pipe or main shall so remain, which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

18. If any person shall bathe or wash or cleanse any cloth, Penalty for 15 wool, leather, skin, or animals, or place any nuisance or offen-fouling water. sive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the said waterworks is obtained, or shall convey, or east or throw, or put 20 any filth, dirt, dead carcase, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled, every such person shall, on conviction there-25 of before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for waterworks purposes and the other half to him or her who shall lay the information; and in case the party lay-30 ing such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for waterworks purposes, and such justice may also, in his discretion, further condemn such person to be confined in the common 35 gaol of said county, for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

19. It shall and may be lawful for the commissioners, and Power to imthey are hereby authorized and empowered, to make such by-pose penalties for the wrong-40 laws as to them shall seem requisite and necessary for prohibit-ful use of ing, by fine not exceeding twenty dollars, for waterworks pur-water, and to poses, or imprisonment not exceeding one calendar month, (the ply. amount of such fine and the duration of such imprisonment, and also the option between fine and imprisonment, with or 45 without hard labour, being always in the discretion of the justice of the peace before whom any proceedings may be taken for enforcement thereof), any person, being occupant, tenant, or inmate of any house supplied with water from the said waterworks, from lending, selling, or disposing of the water thereof, 50 from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her, or their own use and benefit, or from increasing the supply of water agreed for

with the said commissioners, or from wrongfully neglecting, or improperly wasting the water, as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine, for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the 10 commissioners with regard to the water so supplied.

Vacant spaces chargeable.

20. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered with the consent of the owner of the premises, to lay the service pipes 15 across such vacant space, and charge the cost of the same to said owner such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owners.

Service-pipes, etc., to be un-der control of

21. The service pipes from the line of street to the interior 20 face of the outer wall of the building supplied, together with commissioners all branches, couplings, stopcocks, and apparatus placed therein by the commissioners, shall be under their control, and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may 25 repair the same, and charge the same to the occupant or the owner of the premises; the stopcock placed by the commissioners inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the 30 premises.

Taps.

22. All parties supplied with water by the commissioners may be required to place only such taps for drawing and shutting off the water as may be approved of by the commissioners.

Non-liability for breakage or stoppage. Proviso.

23. Neither the water commissioners nor the Corporation of the Town of Guelph shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains, or to tap the pipes: Provided reasonable notice be given of the intention to shut off 40 the water when the same is shut off more than six hours at any one time.

Right of acess.

24. It shall be lawful for the officers of the water commissioners, and every person authorized by them for that purpose, to have free access, at proper hours of the day, and upon rea- 45 sonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Penalty for interfering

25. If any person or persons, not being in the employment of the water commissioners, or not being a member of the fire 50

brigade of the said town, and duly authorized in that behalf, with hydrants, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcoek, chamber, or hydrant chamber, by placing on it any building material, rubbish, or otherwise, 5 every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay, for each offence, a sum not exceeding twenty dollars, to be applied to the use of the commissioners for waterworks purposes, or, in default of payment, be imprisoned in the common gaol of the county for 10 a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day, or part of a day, night, or part of a night, such obstruction shall continue shall be considered a separate offence.

- 26. A majority of said commissioners shall constitute a Quorum. 15 quorum for the transaction of any business allowed or required by virtue of this Act.
- 27. The water commissioners are hereby empowered to ar- Extension in range for the extension of pipes in suburbs and partially built suburbs. portions of the town, by allowing a deduction from the price 20 charged for the water, to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties, under the directions of the commissioners, and subject to their approval; or the commissioners may lay the pipes, charging the said parties, in addition to the usual water rates, 25 a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

28. The water commissioners shall have power and author- Authority to 30 ity to supply any corporation, person or persons, with water, supply was although not being resident within the Town of Guelph, and outside of towns. may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of as within the Town of Guelph, and 35 they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided that Proviso. no power shall be exercised under this section without the consent and approbation of the Corporation of the Town of 40 Guelph.

29. The lands, buildings, machinery, reservoirs, pipes, and Property exall other real or personal property connected with, or apper-taxation. taining or belonging to the waterworks shall be exempt from taxation, unless the Corporation of the Town of Guelph by 45 by-law shall direct that they be liable to taxation.

30. If any action or suit be brought against any person or Limitation of persons, for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of dam-50 ages, then, within one year after the original eause of such action arising.

39 - 2

Officers to have powers of officers of the peace.

31. The watchman and other officers of the water commissioners, when in the discharge of their duties, shall be ex officio possessed of all the powers and authority of officers of the peace

Debentures.

32. The debentures authorized by the said by-law and this Act may be made payable either in sterling or currency in this Province, Great Britain or clsewhere, Provided, that no sterling debenture shall be for less than twenty pounds.

And, for the purposes authorized by this Act, the Corporation of the said Town of Guelph shall have power to issue deben- 10 tures of the said town, to be called waterworks debentures, for an additional sum of money not exceeding twenty-five thousand dollars of lawful money of Canada, in such sums and payable, with interest, in manner aforesaid, and in the said bylaw contained; and the said Corporation of the Town of 20 Guelph shall raise, levy, and collect, in each year, upon all the ratable property in the said town 'during the continuance of the said debentures, or any of them, an equal and special rate, for the purpose of paying the annual instalments and the interest of the said last named debentures, or for the 25 purpose of providing a sinking fund for the payment of the same; Provided always, that all the provisions of the Municipal Act as to by-laws for raising on the credit of the municipality money not required for its ordinary expenditure and not payable within the same municipal year shall apply to 30 any by-law for raising upon the credit of the said municipality any portion of the said twenty-five thousand dollars, such provisions being those which require and relate to the assent of the electors and otherwise.

Deposit of debentures.

33. Such debentures, when issued, shall be deposited in 35 some of the chartered banks having an office in the Town of Guelph, and the proceeds of such debentures shall be paid into some chartered bank, and kept separate from any other funds of the said town, and the same shall only be paid out on the cheque of the mayor and treasurer for the time being of the 40 Town of Guelph, and the chairman for the time being of the said water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the 45 said debentures during the period of the erection and completion of the said waterworks: Provided always that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the contractor or contractors, or others, in debentures, either at par or at such rate 50 of discount as the commissioners shall, in their judgment, deem advisable, with the assent of the Corporation of the Town of Guelph thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Guelph. 55

Proviso.

Works to be liable for

34. The said waterworks to be erected and constructed under this Act, and also the lands to be acquired for the purpose

thereof, and every matter and thing therewith connected, shall moneys be and they are hereby specially charged, pledged, mortgaged and borrowed. hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of 5 this Act, as well as for the due and punctual payment of the interest thereupon, and all, each, and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, or hypothec or privilege on the said lands, waterworks, and property appertaining thereto 10 for securing the payment of the said debentures and the interest thereon.

35. After the construction of the works all the revenues Revenues arising from or out of the supplying of water, or from the real to be paid over or personal property connected with the said waterworks, to 15 be acquired by the said corporation under this Act, shall, after providing for the expenses attendant upon the maintenance of the said waterworks, be paid over to, and deposited monthly with, the treasurer of the said corporation of the Town of Guelph, as hereinbefore provided, and shall make part of the 20 general funds of the corporation and may be applied accordingly.

36. The Corporation of the Town of Guelph may dispose of Sale of proany real or personal property acquired by them for water-longer reworks purposes, when no longer required, and, until sold, de-quired. 25 mise, and lease the same.

37. No irregularity in the passing of any by-law under this Irregularity Act, or in the forms of the said debentures authorized by this not a bar. Act in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against 30 the corporation for the recovery of the amount of said debentures and interest in any, or either of them, or any part thereof.

38. There shall not be less than three nor more than five Commissionwater commissioners, as may be decided by the council of the or five. town, of whom the Mayor of the Town of Guelph for the time 35 being shall be ex officio one, and the others of whom shall be elected by the ratepayers of the said town qualified by municipial law to vote for eouncilmen, in manner and for the term herenaftaer mentioned and provided, and the remuneration of the said commissioners shall be such as the Council of the 40 Corporation of the Town of Guelph may by by-law before their election determine; Provided always, that the three commissioners elected under the said by-law shall be commissioners under this Act for the current year

39. The said water commissioners shall hold office for the Commissioners to hold office for the ers to hold 45 term of one year, except the commissioners for the current year, office for one who shall hold office until the third Monday of January next, year. and after the said first election the commissioners shall be elected to the said office at the same time and in the same manner as eouncilmen, and all the provisions and remedies of 50 the Municipal Institutions Act at any time in force with respect to councilmen, shall apply in all particulars, not inconsis-

tent with this Act, to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise.

Commissioners may resign

40. A water commissioner may resign his office and shall cease to hold office for the same cause as by municipal law the 5 seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the Council of the Corporation of Guelph shall appoint a person to fill that vacancy, and the person so appointed shall hold office for the residue of the time for which his 10 predecessor was elected or appointed for which the office is to be filled.

Time of completion.

41. The said waterworks shall be constructed, completed, and finished, except as to the laying of additional pipes and mains, within three years from the passing of this Act.

Work to be performed by contract.

42. All work under the commissioners shall be performed by contract.

Commissioner or councilman not to hold any contract.

43. No commissioner or councilman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them; no 20 councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman, except as provided by section thirty-eight of this Act.

Property qualifications of commissioner.

44. The water commissioners shall have the same property qualifications as by municipal law councilmen are required to 25 have over and above all encumbrances, and shall, before taking office and within ten days of their election or appointment, make oath to such qualification, before some justice of the peace of the County of Wellington, and deposit the same with the Town Clerk of the Corporation of the Town of Guelph.

Corporation may assume works or resioners.

45. The corporation of the town may at any time assume the works, remove the commissioners and proceed with the move commis works as if the corporation had originally undertaken the said works, but such assumption must be by by-law of the said corporation, be approved of by the municipal electors of 35 the Town of Guelph, a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof) and a notice of the time appointed for taking a poll of the electors on the proposed by-law to be published for one month in some newspaper in the Town of Guelph, such 40 poll of the electors to be held in the same manner and at the same place, and continued for the same time as at elections for councilmen, and a majority of the electors voting at the poll to vote in favour of the by-law and the by-law to be thereafter passed at some meeting of the Council of the Corporation of 45 the Town of Gueph, held not less than ten days nor more than one calendar month after taking the said vote; the council of the town shall name the returning officers and poll clerks to take the votes; the electors entitled to vote shall be such ratepayers only as are voters on the last revised assessment 50 roll of the Town of Guelph for an estate of freehold, either legal

Qualification of voters.

or equitable of sufficient value to entitle them to vote at any municipal election or of leasehold the duration of which shall not be less than ten years or for life, and in the lease for which leasehold the lessee covenants to pay all town taxes, and 5 the clerk shall furnish the returning officers with a verified list of the electors; any ratepayer offering to vote on any such by-law may be required by the returning officer or any ratepayer entitled to vote on any such by-law to make the following oath or affirmation before his vote is recorded:

10 I. A. B., do solemnly and sincerely make oath (or affirm as the case may be) that I am the person named or purporting to be named in the list of electors, that I am a freeholder or leaseholder (as the case may be) (and if the person votes as a leaseholder, then insert these words), that my lease extends for the Oath

15 period of ten years from the time of making this oath or affirmation, (or for life) that I am bound in such lease to pay all town taxes and that I am, according to law, entitled to vote on the said by-law: any elector may vote in each ward of the town in which he shall have the necessary qualification: 20 every returning officer shall on the day after the closing of

the poll return his poll-book verified to the clerk of the Town of Guelph and in case of the loss or destruction of the poll-book deliver a statement under oath of the number of votes for and against the said by-law at the time of the loss or destruction

25 of the poll-book; the town clerk shall add up the number of votes, for and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-

46. No person shall be held to be disqualified from Water takers 30 being elected or sitting as a member of the Council of the Cor-not disqualified for city poration of Guelph by reason of his being or taker or con-council. sumer of water supplied by the Commissioners or the Cor poration of the Town of Guelph, or by reason of any dealing or contract with the Commissioners of the Corporation of 35 the Town of Guelph with reference to the supply or water to such person.

4th Session, 3rd Parliament, 42 Vic., 1879.

DIME

An Act respecting Waterworks for the Town of Guelph.

Reprinted as Amended.

1st Reading, 30th January, 1879.

PRIVATE BILL.

MR. MASSIE.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act incorporating The St. Joseph Union Society, of the City of Ottawa.

THEREAS The St. Joseph Union Society of the City of Preamble. Ottawa have petitioned that the Act incorporating the said corporation be amended in the manner hereinafter provided; and whereas it is expedient to grant the prayer of the said pe-5 tition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

1. The following shall be added as section 5 α of the said Act.

5 a. No sum of money due from or granted by the said corpor- Money ation under its constitution or any of its by-laws, by way of aid or payable by Society to its assistance to any of its members when sick or to any widow or members, exorphan child of a deceased member, shall be liable at the in-empt from seizure. stance of any creditor of any such member of the said corporation

15 to seizure or attachment either before or after judgment : Pro- Proviso. vided always that nothing in this section contained shall in any manner affect the right of any creditor in respect to any sum of money due by the said corporation to any of its members by reason of any contract or undertaking between the said corpor-20 ation and such member.

PTTT

An Act to amend the Act incorporating the St. Joseph Union Society, of the City of Ottawa.

1st Reading,

1879.

(PRIVATE BILL.)

Mr. O'Donoghue.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

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15 to seizure or attachment either before or after judgment: Pro-Proviso. vided always that nothing in this section contained shall in any manner affect either the right of any creditor in respect to any sum of money due by the said corporation to any of its members by reason of any contract or undertaking between the 20 said corporation and such member; or any suit or proceeding at law or in equity now pending.

4th Session, 3rd Parliament, 42 Vic., 1879.

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An Act to amend the Act incorporating the St. Joseph Union Society, of the City of Ottawa.

(Reprinted as Amended.)

1st Reading, 30th January, 1879.

PRIVATE BILL.

Mr. O'Donoghue.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Belleville and North Hastings Railway Company.

THEREAS the Belleville and North Hastings Railway Preamble. Company have, by their petition, shown that the line of their railway has been completed and is in running order from its point of commencement at the Grand Junction Railway 5 to the Moor Mine in the Township of Madoc, and doubts have arisen as to whether the provisions of the by-laws passed by the Township of Madoc and by the County of Hastings, and of the Acts relating thereto and to the said company have been strictly complied with as to the time of completion of the said 10 railway, and it is expedient to remove such doubts and to declare such by-laws valid and binding; and whereas it is also expedient to give to the said company power to amalgamate with the Grand Junction Railway Company, and otherwise to amend the Acts relating to the said company

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :--

pectively.

1. For and notwithstanding any thing contained in any of By-laws of the Acts of the Parliament of Ontario relating to the said the Township of 20 Belleville and North Hastings Railway Company and the by-County of laws in aid thereof passed by the Corporation, of the Township Hastings, declared of Madoc and the County of Hastings respectively, the said by-valid. laws are hereby declared valid and binding and the respective bonuses thereby granted to the said company are hereby de-25 clared to be payable to the amounts and according to the terms in the said by-laws contained, and the reeve of the said township, and the warden of the said county, and the other officers of the said corporations are hereby authorized and empowered to make and deliver to the trustees for the municipal debentures 30 appointed under the provisions of the Act incorporating the said company, the debentures for the amount of such bonuses res-

2. The said railway company is hereby authorized and em-Amalgamation powered to enter into an agreement for the amalgamation of the with or sale or 35 said company with the Grand Junction Railway Company, or for Junction Railselling, transferring or leasing its line of railway or any part way authorthereof to the said last mentioned company, together with the property, privileges and franchises belonging to it or to such part of its line as may be so sold, transferred or leased on such terms 40 and conditions as may be defined by the agreement under the

seal of the said companies, entering into such agreement which shall be ratified and approved of by a majority of the stockholders present or represented at a general meeting called for the purpose of considering such agreement which shall be valid 45 and binding on the several companies entering into the same

after such ratification and approval.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL

An Act respecting the Belleville and North Hastings Railway Company.

1st Reading,

1879.

(PRIVATE BILL.)

MR. BOULTER,

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Belleville and North Hastings Railway Company.

HEREAS the Belleville and North Hastings Railway Preamble. Company have, by their petition, shown that the line of their railway has been completed and is in running order from its point of commencement at the Grand Junction Railway to the Moor Mine in the Township of Madoc, and doubts have 5 arisen as to whether the provisions of the by-laws passed by the Township of Madoc and by the County of Hastings, and of the Acts relating thereto and to the said company have been strictly complied with as to the time of completion of the said railway, and it is expedient to remove such doubts and to de-10 clare such by-laws valid and binding; and whereas it is also expedient to give to the said company power to amalgamate with the Grand Junction Railway Company, and otherwise to

amend the Acts relating to the said company;

Therefore Her Majesty, by and with the advice and consent
to of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

1. For and notwithstanding any thing contained in any of By-laws of the Acts of the Parliament of Ontario relating to the said the Township of Belleville and North Hastings Railway Company and the by-County of 20 laws in aid thereof passed by the Corporation, of the Township Hastings, declared of Madoc and the County of Hastings respectively, the said by-valid. laws are hereby declared valid and binding and the respective bonuses thereby granted to the said company are hereby de-clared to be payable to the amounts and according to the terms 25 in the said by-laws contained, and the reeve of the said township, and the warden of the said county, and the other officers of the said corporations are hereby authorized and empowered to make and deliver to the trustees for the municipal debentures appointed under the provisions of the Act incorporating the said 30 company, the debentures for the amount of such bonuses respectively.

2. The said railway company is hereby authorized and em-Amalgamation powered to enter into an agreement for the amalgamation of the with or sale or said company with the Grand Junction Railway Company, or Junction Railway Company, 35 any other Railway Company, or for selling, transferring or leas- way authorized. ing its line of railway or any part thereof to any such company, together with the property, privileges and franchises belonging to it or to such part of its line as may be so sold, transferred or leased on such terms and conditions as may be defined by the 40 agreement under the seal of the said companies, entering into such agreement which shall be ratified and approved of by a majority of the stockholders present or represented at a general meeting called for the purpose of considering such agreement which shall be valid and binding on the several companies en-45 tering into the same after such ratification and approval.

4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act respecting the Belleville and North Hastings Railway Company.

(Reprinted as Amended.)

1st Reading, 30th January, 1879.

(PRIVATE BILL.)

MR. BOULTER.

TORONTO:

PRINTED BY HUNTER, ROSE N Co.

An Act respecting the Port Hope Harbour.

7 HEREAS the Commissioners of the Port Hope Harbour Preamble. have, by their petition, represented that produce dealers, shippers, vessel owners, and others are being put to loss and inconvenience by the want of accommodation for storing grain, flour and other produce on the property and premises of the said commissioners and by the inability of the said commissioners to grant warehouse receipts for the same, and praying that the said commissioners may be empowered to store grain, flour, and other produce on their pro-10 perty and premises in the Town of Port Hope and to issue, grant, and give, warehouse receipts for such grain, flour, or other produce; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The Commissioners of the Port Hope Harbour are here-Commissionby empowered to store grain, flour, and other produce on their ers empowered to store grain, property and premises in the Town of Port Hope, and to etc.; 20 charge, receive, and collect such reasonable sum for said storage as to them may seem proper.

2. The said the Commissioners of the Port Hope Harbour are to give warehereby further empowered to issue, grant, and give to any per-house recipts. son or persons, or body corporate, by whom or on whose behalf 25 any such grain, flour, or other produce may be stored as aforesaid, warehouse receipts for the same or for any portion thereof, which receipts shall have the like validity, force and effect as if the same had been issued, granted, and given by a natural person carrying on the business of a warehouseman.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting the Port Hope Harbour.

1st Reading.

1879.

PRIVATE BILL.

MR. ROSEVEAR.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Grey and Walkerton Railway Company.

WHEREAS the construction of a railway from a point on Preamble. the line of the Toronto, Grey and Bruce Railway, near the Village of Flesherton, in the County of Grey, to a point in or near the Town of Walkerton, in the County of Bruce, has 5 become desirable for the public convenience and accommodation of the inhabitants thereof; and whereas John W. Armstrong, Byron Ghent and others have petitioned that an Act may pass to construct the railway aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:—

1. John W. Armstrong, Mathew Richardson, Robert Trimble, Incorporation. William Strain, all of the Village of Flesherton; Byron Ghent, 15 M.D., Thomas Wood, both of the Village of Priceville, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the Grey and Walkerton 20 Railway Company.

- also the several clauses of the Railway Act of Ontario, and Certain also the several clauses thereof with respect to "interpreta-clauses of the Railway Act tion," "incorporation," "powers," "plans and surveys," "lands incorporated and their valuation," "highways and bridges," "fences,"

 25 "tolls," "general meetings," "presidents and directors, "calls,"

 "dividends," "shares and their transfer," "shareholders,"

 "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," "actions for indemnity and fines and penalties and their prosecution," and "general provisions,"

 30 and also the several sections of the said Act, from thirty-seven to one hundred and three both inclusive shall be 2. The several clauses of the Railway Act of Ontario, and Certain seven to one hundred and three, both inclusive, shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may 35 be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act.
- 3. The said company shall have full power under this Act Location of 40 to construct a railway from any point on the line of the line. Toronto, Grey and Bruce Railway, near the Village of Flesher-

ton, to a point in or near the Town of Walkerton, with full power to pass over any portion of the country between the points aforesaid.

Gauge.

4. The said railway may be constructed of any gauge.

Form of conveyances to company.

5. Conveyances of land to the said company for the purposes of, and powers given by this Act, made in the form set out in the schedule A, hereto annexed, or the like effect shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such con-10 veyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the dupli-15 cates thereof.

Provisional directors.

6. The said John W. Armstrong, Mathew Richardson, Robert Trimble, William Strain, Byron Ghent, M.D., and Thomas Wood, shall be provisional directors of the said comany.

20

Powers of provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon, not more than three other persons, who, upon being so named, shall become 25 and be provisional directors of the company, equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway 30 Act, and any other law in force in Ontario, are vested in such boards.

Capital.

8. The capital of the company, hereby incorporated, shall be twenty-five thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided 35 into two hundred and fifty shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring 40 the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and until such preliminary expenses shall 45 be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such mu- 50 nicipality from the capital stock of the company, or to be allowed to it in payment of stock.

9. On the subscription for shares of the said capital stock, Ten per cent. to be paid on each subscriber shall, within three days thereafter, pay ten per subscription. centum of the amount subscribed by him into some chartered bank, to be designated by the directors, to the credit of the said company.

- 10. Thereafter calls may be made by the directors, for the Calls. time being, as they shall see fit, Provided that no call shall be Provise. made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not 10 less than thirty days.
- 11. The said provisional directors, or the elected directors, Certain paymay pay or agree to pay in paid-up stock or in the bonds of ments allowed in stock or the said company such sums as they may deem expedient to bonds. engineers or contractors, or for right of way, or material, or 15 plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other 20 persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.
- 12. As soon as shares to the amount of ten thousand dollars Election of of the capital stock of the company shall have been subscribed, directors. and ten per centum thereof paid into some chartered bank in 25 the City of Toronto, which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company.
- 13. It shall be lawful for the provisional or elected directors Payment of to accept payment in full for stock from any subscriber there- stock in fall of, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reason-35 able, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

14. In case the provisional directors neglect to call such provision in meeting for the space of three months after such amount of the case proviscapital stock shall have been subscribed and ten per centum neglect to call 40 so paid up, the same may be called by any five of the subscribers meeting. who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon.

15. In either case notice of the time and place of holding Notice of 45 such general meeting shall be given in the Ontario Gazette and meeting. in one local newspaper, once in each week for the space of at least four weeks, and such meeting shall be held at the City of Toronto, at such place therein and on such day as may be named by such notice: at such general meeting, the subscri-50 bers for the capital stock assembled who shall have so paid ten per centum thereof with such proxies as may be present, shall

choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and bylaws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meet-

16. Thereafter the general annual meeting of the share-bolders of the said company shall be held in such place and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper, once in each week for four weeks.

Special meetings.

17. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

Voles.

18. Every shareholder of one or more shares of the said 15 capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on 20 any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid at least one week before the day appointed for such meeting.

Qualification of directors.

19. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at 25 least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

20. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every 30 of the powers hereby vested in the directors.

Aid by municipalities.

21. And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the 35 said company shall pass or be situate to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expe-40 dient; Provided always, that when the said bonds or debentures are granted by a portion of the township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of 45 by-laws for that purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the crea-

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tion of debts.

22. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of 05 twenty resident freeholders in each of the minor municipalities

Petition for by-law in counties. of the county, who are qualified voters under the Municipal Act.

23. In case fifty persons, at least, rated on the last revised Petition for assessment roll of any municipality, other than a county muni-by-law in 5 cipality, as freeholders, who may be qualified voters under the palities. Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so 10 desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who 15 are qualified voters, as aforesaid, in any portion of the said township municipality do petition the council of the said

municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to 20 aid in the construction of the said railway by granting a bonus to the said company, and stating the amount they so desire to grant and be assessed for, the county of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval

25 of the qualified voters of the said portion of such township municipality:

1. For raising the amount so petitioned for by such free- Provisions in holders in such portion of the municipality by the issue of by-law. debentures of the municipality payable in twenty years, or 30 by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition:

- 2. For assessing and levying upon all the ratable property 35 lying within the section defined by the said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalment and interest, said interest to be payable yearly or half-40 yearly.
 - 24. And in case such by-law be approved or carried by the Council to majority of the votes given thereon, then, within one month pass by-law if after the date of such voting the said council shall read the said by-law a third time and pass the same.

- 25. And within one month after the passing of such by-law Issue of the the said council and the warden, mayor, reeve or other head debentures. thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.
- **26**. In case any bonus be so granted by a portion of a muni- Provision cipality, the rate to be levied for payment of the debentures when bonus issued therefor and the interest thereon shall be assessed and part of munilevied upon such portion only of the municipality.

Municipal Act to apply to by-law.

27. The Provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent, as if the same had been passed by or for the whole community.

By-law valid if annual rate will not exceed three cents in the dollar.

28. All by-laws to be submitted to such vote for granting 5 bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby shall be valid.

Exemption

29. It shall further be lawful for the corporation of any 10 from taxation. municipality, through any part of which the railway of the said company passes or is situate by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum 15 per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Debentures to be delivered to trustees.

30. Wherever any municipality shall grant a bonus to aid the said company in the making, equipping, and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely: one to be appointed by 25 the said company, and one by the majority of the reeves and deputy reeves of all the municipalities or portions granting bonuses prior to the first day of January next, and one to be named by the Lieutenant-Governor in Council; provided that if the Lieutenant-Governor in Council shall refuse or neglect 30 to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.

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31. Any of the said trustees may be removed and a new 35 New trustees. trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed 40

the said company.

32. The act of any two trustees as such shall be as valid Acts of two trustees bind and binding as if the three had agreed.

Trusts on tures are to be

33. The said trustees shall receive the said debentures on 45 which debentrust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Province or Dominion, in the name of the Grey and Walkerton Railroad Company Municipal Trust Account, and to pay the same unto 50 the company from time to time on the certificate of the chief

by the Lieutenant-Governor in Council, with the consent of

engineer of the said company, in the form set out in the schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the 5 by-law, and such certificate is to be attached to the cheques drawn by the said trustees.

34. Any county in which is or are situate a township or County debenportion of a township that shall grant a bonus or bonuses in tures may be aid of the said company, shall be at liberty to take the deben-exchange 10 tures issued by such township or portion of a township, and in those of townexchange therefor, to hand over to the trustees under this Act, ships. the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

35. The directors of the said company, after the sanction Issue of bonds. 15 of the shareholders shall have been first obtained, at any special general meeting to be called from, time to time, for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of the said company,

20 and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the

25 said undertaking and the property of the said company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer pro rata with all the other holders thereof upon the undertaking, and the property of the

30 company as aforesaid; and provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for

35 directors and for voting, as are attached to shareholders; Pro- Proviso. vided that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by

40 any holder thereof; all such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

36. The said company shall have power and authority to Negotiable become parties to promissory notes and bills of exchange for instruments. sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the secretary and 50 treasurer of the said company, and under the authority of a

quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to

have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary and treasurer be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors, as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

10

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Acquiring stones, gravel,

37. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands, on which the same are situate, for the purchase thereof, cause a provincial surveyor to make a map and 15 description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway; and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the 20 right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which 25 said material shall be taken or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Tracks to quarries, gravel, &c. 38. When said gravel, stone, earth or sand shall be taken 30 under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the 35 Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company may think proper, and the powers in this and 40 the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

2. In estimating the damages for the taking of gravel-stone, earth or sand, sub-section eight of section twenty of the Act 45

respecting Railways shall not apply.

Power to acquire lands.

39. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which 50 the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase,

hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Rail-5 way Act shall not apply to this section.

40. The said company shall have the right on and after the Snow fences. first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line 10 of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided al-Proviso. ways that any such snow fences so erected shall be removed on 15 or before the first day of April next following.

41. The said railway company shall at all times receive and Rates for carcarry cordwood, or any wood for fuel, at a rate not to exceed, for riage of corddry wood three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and a half 20 cents per cord per mile from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile.

42. The company shall further at all times furnish every Company to facility necessary for the free and unrestrained traffic in cord-time for traffic 25 wood to as large an extent as in the case of other freight ear- in cordwood. ried over the said railway.

- 43. Cordwood or wood for fuel, cut before the first day of Dry wood March, in any year, shall be deemed for the purposes of this defined. Act, dry wood by the first of October following, and not before.
- 44. The railway shall be commenced within two years, and Commencecompleted within five years, or else the charter shall be for- ment and feited as regards so much of the railway not completed.
- 45. The said company shall have power to make running Power as to arrangements with the Toronto, Grey and Bruce Railway Com-running arrangements. 35 pany, upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this

46. It shall be lawful for the said company to enter into an Power to sell 40 agreement with the Toronto, Grey and Bruce Railway Com- or lease railpany for the absolute sale to the last named company or for the leasing to them of the said Grey and Walkerton Railway or any part thereof, or for the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rol-45 ling stock or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by 50 two-thirds of the shareholders voting, in person or by proxy,

at a special general meeting to be called in accordance with this Act, for that purpose; and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity according to the terms and tenor thereof, and the said Toronto, Grey and Bruce Railway Company accepting any conveyance or lease, in pursuance of any such agreement, shall have, and are hereby empowered to exercise all the rights and privileges conferred by this Act.

SCHEDULE "A."

(See Section 5.)

Know all men by these presents, that I, (or we)

in consideration of dollars paid to me (or us) by the Grey and Walkerton Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we)

in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be,) of land situate (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Grey and Walkerton Railway Company, their successors and assigns (here insert any other clauses, covenants or conditions required) and I, (or we) the wife (or wives) of the said

my (or our) dower in the said lands: As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of

[L.S.]

SCHEDULE "B."

(See Section 33.)

CHIEF ENGINEER'S CERTIFICATE.

Grey and Walkerton Railroad Company's Office, "Engineer's Department."

No.

187

Certificates to be attached to cheques drawn on the Grey and Walkerton Railroad Company Municipal Trust Account, given under section of cap. Victoria.

I, Chief Engineer for the Grey and Walkerton Railroad Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the Township of (or under the agreement dated the day of

between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act to incorporate the Grey and Walkerton Railway Company.

1st Reading,

1879.

PRIVATE BILL.

MR.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Grey and Walkerton Railway Company

WHEREAS the construction of a railway from a point on Preamble. the line of the Toronto, Grey and Bruce Railway, near the Village of Flesherton, in the County of Grey, to a point in or near the Town of Walkerton, in the County of Bruce, has 5 become desirable for the public convenience and accommodation of the inhabitants thereof; and whereas John W. Armstrong, Byron Ghent and others have petitioned that an Act may pass to construct the railway aforesaid; and whereas it is expedient to grant the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

1. John W. Armstrong, Mathew Richardson, Robert Trimble, Incorporation. William Strain, all of the Village of Flesherton; Byron Ghent, 15 M.D., Thomas Wood, both of the Village of Priceville, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the Grey and Walkerton 20 Railway Company.

2. The several clauses of the Railway Act of Ontario, and Certain also the several clauses thereof with respect to "interpreta-Railway Act tion," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences,"

25 "tolls," "general meetings," "presidents and directors, "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," "actions for indemnity and fines and penalties and their prosecution," and "general provisions,"

30 and also the several sections of the said Act, from thirty-seven to one hundred and three, both inclusive, shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company, and to the railway 2. The several clauses of the Railway Act of Ontario, and Certain and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may 35 be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

3. The said company shall have full power under this Act Location of 40 to construct a railway from any point on the line of the line.

Toronto, Grey and Bruce Railway, near the Village of Flesher-

ton, to a point in or near the Town of Walkerton, with full power to pass over any portion of the country between the points aforesaid.

Gauge.

4. The said railway may be constructed of any gauge.

Form of conveyances to company.

5. Conveyances of land to the said company for the purposes of, and powers given by this Act, made in the form set out in the schedule A, hereto annexed, or the like effect shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the dupli- 15 cate thereof.

Provisional directors. 6. The said John W. Armstrong, Mathew Richardson, Robert Trimble, William Strain, Byron Ghent, M.D., and Thomas Wood, shall be provisional directors of the said comany.

Powers of provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon, not more than three other persons, who, upon being so named, shall become 25 and be provisional directors of the company, equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway 30 Act, and any other law in force in Ontario, are vested in such boards.

Capital.

8. The capital of the company, hereby incorporated, shall be one hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided 35 into one thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring 40 the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and until such preliminary expenses shall 45 be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such mu- 50 nicipality from the capital stock of the company, or to be allowed to it in payment of stock,

9. On the subscription for shares of the said capital stock, Ten per cent. each subscriber shall, within three days thereafter, pay ten per subscription. centum of the amount subscribed by him into some chartered bank, to be designated by the directors, to the credit of the 5 said company.

10. Thereafter calls may be made by the directors, for the Calls. time being, as they shall see fit, Provided that no call shall be Provise. made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not 10 less than thirty days.

11. The said provisional directors, or the elected directors, Certain paymay pay or agree to pay in paid-up stock or in the bonds of in stock or the said company such sums as they may deem expedient to bonds. engineers or contractors, or for right of way, or material, or 15 plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other 20 persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

12. As soon as shares to the amount of twenty-five thousand Election of dollars of the capital stock of the company shall have been sub-directors. cribed, and ten per centum thereof paid into some chartered bank 25 having an office in the City of Toronto, which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock swho shall have so paid up ten per centum thereof for the purpoe of electing directors of the said company.

13. It shall be lawful for the provisional or elected directors Payment of to accept payment in full for stock from any subscriber there-allowed. of, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reason-35 able, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

14. In case the provisional directors neglect to call such Provision in meeting for the space of three months after such amount of the case proviscapital stock shall have been subscribed and ten per centum neglect to call 40 so paid up, the same may be called by any five of the subscribers meeting. who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon.

15. In either case notice of the time and place of holding Notice of 45 such general meeting shall be given in the Ontario Gazette and meeting. in one local newspaper, once in each week for the space of at least four weeks, and such meeting shall be held at the City of Toronto, at such place therein and on such day as may be named by such notice: at such general meeting, the subscri-50 bers for the capital stock assembled who shall have so paid ten per centum thereof with such proxies as may be present, shall

choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and bylaws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meetings.

16. Thereafter the general annual meeting of the share-holders of the said company shall be held in such place and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper, once in each week for four weeks.

Special meetings. 17. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

Votes.

18. Every shareholder of one or more shares of the said ¹⁵ capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on ²⁰ any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid at least one week before the day appointed for such meeting.

Qualification of directors.

19. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at 25 least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

20. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every 30 of the powers hereby vested in the directors.

Aid by municipalities.

21. And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the 35 said company shall pass or be situate to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expe-40 dient; Provided always, that when the said bonds or debentures are granted by a portion of the township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid loan

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the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of 45 by-laws for that purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

22. In the case of a county municipality, the petition shall

Petition for by-law in counties. 22. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of 05 twenty resident freeholders in each of the minor municipalities

of the county, who are qualified voters under the Municipal

23. In case fifty persons, at least, rated on the last revised Petition for assessment roll of any municipality, other than a county muni-by-law in other municipality, other than a county muni-by-law in 5 cipality, as freeholders, who may be qualified voters under the palities. Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so 10 desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who 15 are qualified voters, as aforesaid, in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to 20 aid in the construction of the said railway by granting a bonus to the said company, and stating the amount they so desire to grant and be assessed for, the county of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval

1. For raising the amount so petitioned for by such free- Provisions in holders in such portion of the municipality by the issue of by-law. debentures of the municipality payable in twenty years, or

30 by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition:

25 of the qualified voters of the said portion of such township

municipality:

2. For assessing and levying upon all the ratable property 35 lying within the section defined by the said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalment and interest, said interest to be payable yearly or half-40 yearly.

24. And in case such by-law be approved or carried by the Council to majority of the votes given thereon, then, within one month pass by-law if after the date of such voting the said council shall read the said by-law a third time and pass the same.

25. And within one month after the passing of such by-law Issue of the the said council and the warden, mayor, reeve or other head debentures. thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

26. In case any bonus be so granted by a portion of a muni- Provision cipality, the rate to be levied for payment of the debentures when bonus issued therefor and the interest thereon shall be assessed and part of munilevied upon such portion only of the municipality.

Municipal Act to apply to by-law.

27. The Provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent, as if the same had been passed by or for the whole municipality.

By-law valid if annual rate will not exceed three cents in the

28. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby shall be valid.

Exemption

29. It shall further be lawful for the corporation of any 10 from faxation. municipality, through any part of which the railway of the said company passes or is situate by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum 15 per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years. 20

Debentures to be delivered to trustees.

30. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping, and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely: one to be appointed by 25 the said company, and one by the majority of the reeves and deputy reeves of all the municipalities or portions granting bonuses prior to the first day of January next, and one to be named by the Lieutenant-Governor in Council; provided that if the Lieutenant-Governor in Council shall refuse or neglect 30 to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.

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New trustees.

31. Any of the said trustees may be removed and a new 35 trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed 40 by the Lieutenant-Governor in Council, with the consent of the said company.

32. The act of any two of such trustees shall be as valid Acts of two trustees bind- and binding as if the three had agreed.

33. The said trustees shall receive the said debentures on 45 which debentrust; firstly, under the instructions of the directors to convert tures are to be the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Grey and Walkerton Railroad Company Municipal Trust Account, and 50 to pay the same unto the company from time to time on the

certificate of the chief engineer of the said company, in the form set out in the schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such 5 there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees.

34. Any county in which is or are situate a township or County debenportion of a township that shall grant a bonus or bonusos in tures may be aid of the said company, shall be at liberty to take the deben-exchange for 10 tures issued by such township or portion of a township, and in those of townships. exchange therefor, to hand over to the trustees under this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

35. The directors of the said company, after the sanction Issue of bonds. 15 of the shareholders shall have been first obtained, at any special general meeting to be called from, time to time, for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, 20 and countersigned by the secretary and treasurer, and under

the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the

25 said undertaking and the real property of the said company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer pro rata with all the other holders thereof upon the undertaking, and pro-

30 perty of the company as aforesaid; and provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications

35 for directors and for voting, as are attached to shareholders; Pro- Proviso. vided that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by

40 any holder thereof; all such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

36. The said company shall have power and authority to Negotiable become parties to promissory notes and bills of exchange for instruments. sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the secretary and 50 treasurer of the said company, and under the authority of a

quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to

have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary and treasurer be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the 5 directors, as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

10

Acquiring stones, gravel,

37. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands, on which the same are situate, for the purchase thereof, cause a provincial surveyor to make a map and 15 description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway; and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the 20 right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which 25 said material shall be taken or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Tracks to quarries, gravel, &c.

38. When said gravel, stone, earth or sand shall be taken 30 under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and track over any lands which may intervene between the railway and the lands on which said material shall be found. whatever the distance may be, and all the provisions of the 35 Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated: and such right may be acquired for a term of years or permanently, as the company may think proper, and the powers in this and 40 the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

2. In estimating the damages for the taking of gravel-stone, earth or sand, sub-section eight of section twenty of the Act 45

respecting Railways shall not apply.

acquire lands

39. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which 50 the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase,

hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Rail-5 way Act shall not apply to this section.

40. The said company shall have the right on and after the Snow fences. first day of November in each year, to enter into and upon any lands of 'Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line 10 of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided al- Proviso. ways that any such snow fences so erected shall be removed on 15 or before the first day of April next following.

41. The said railway company shall at all times receive and Rates for carcarry cordwood, or any wood for fuel, at a rate not to exceed, for riage of corddry wood three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and a half 20 cents per cord per mile from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile.

42. The company shall further at all times furnish every Company to facility necessary for the free and unrestrained traffic in cordfurnish facilities for traffic for traffic traff 25 wood to as large an extent as in the case of other freight car- in cordwood. ried over the said railway.

43. Cordwood or wood for fuel, cut before the first day of Dry wood March, in any year, shall be deemed for the purposes of this defined. Act, dry wood by the first of October following, and not before.

44. The railway shall be commenced within three years, and Commencecompleted within seven years, or else the charter shall be for-ment and completion of feited as regards so much of the railway not completed.

45. The said company shall have power to make running Power as to arrangements with the Toronto, Grey and Bruce Railway Com-rangements. 35 pany, or any other Railway Company upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act.

46. It shall be lawful for the said company to enter Power to sell 40 into an agreement with the Toronto, Grey and Bruce Rail- or lease rail-way. way Company or any other Railway Company for the absolute sale to the last named company or for the leasing to them of the said Grey and Walkerton Railway or any part thereof, or for the use thereof at any time or times, 45 or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, 50 if the arrangements and agreements shall be approved of by

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two-thirds of the shareholders voting, in person or by proxy, at a special general meeting to be called in accordance with this Act, for that purpose; and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity according to the terms and tenor thereof, and the said Toronto, Grey and Bruce Railway Company or any other Railway Company accepting any conveyance or lease, in pursuance of any such agreement, shall have, and are hereby empowered to exercise all the rights and privileges conferred by this Act.

SCHEDULE "A."

(See Section 5.)

Know all men by these presents, that I, (or we)

in consideration of dollars paid to me (or us) by the Grey and Walkerton Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we)

in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be,) of land situate (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Grey and Walkerton Railway Company, their successors and assigns (here insert any other clauses, covenants or conditions required) and I, (or we) the wife (or wives) of the said

my (or our) dower in the said lands: As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of

[L.S.]

SCHEDULE "B."

(See Section 33.)

CHIEF ENGINEER'S CERTIFICATE.

Grey and Walkerton Railroad Company's Office, "Engineer's Department."

No.

187

Certificates to be attached to cheques drawn on the Grey and Walkerton Railroad Company Municipal Trust Account, given under section of cap.

Victoria.

I, Chief Engineer for the Grey and Walkerton Railroad Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the of (or under the agreement

dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

PILL

An Act to incorporate the Grey and Walkerton Railway Company.

*(Reprinted as Amended.)

1st Reading, 29th January, 1879.

PRIVATE BILL.

MR. LAUDER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Prudential Life Assurance Company of Ontario.

WHEREAS John Harvey, James Watson, James M. Wil-Preamble. liams, M.P.P., Alexander Harvey, and Henry T. Ridley, M.D., all of the City of Hamilton, Esquires, and others have, by their petition, represented that the establishment of an 5 association for the insurance of lives would be greatly beneficial, and have prayed for an act of incorporation for the purpose of carrying on a business of that nature under the name of the Prudential Life Assurance Company of Ontario; and whereas it is expedient to grant the prayer of the said 10 petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. All such persons as shall become shareholders of the Incorporation. 15 said company shall be, and are hereby ordained, constituted, and declared to be, a body corporate and politic in law, in fact, and in name, by the style and title of the Prudential Life Assurance Company of Ontario, for the purpose of carrying on the business of life assurance, and doing all things 20 appertaining thereto or connected therewith in the Province of Ontario and elsewhere; and shall, and may, have, perpetual succession; and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity within the 25 Province of Ontario or elsewhere, in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure.

2. The capital stock of the said company shall be one mil- Capital. 30 lion dollars, divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time by a vote of the directors at any ordinary or special meeting to two million dollars, which said shares shall be, and are hereby, vested in the several persons who shall subscribe 35 for the same, their legal representatives and assigns, subject to the provisions of this Act.

3. For the purpose of organizing the said company, the said Provisional! John Harvey, James Watson, James M. Williams, Alexander Harvey and Henry T. Ridley shall be provisional directors.

40 thereof; and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof by

advertisement for two weeks in one or more of the daily papers published in the City of Hamilton, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said company, and such books shall be opened in the City of Hamilton and elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they deem it necessary; and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per centum on the amount of their stock subscribed by them respectively, and to pay all 10 costs and expenses incurred in the application for and obtaining this Act.

Election of Directors.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and five per centum of the amount so subscribed paid into one 15 or more of the chartered banks of this Province, to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the company, the said provisional directors shall call a general meeting of shareholders at some place to be named in the City of Hamilton, giving, at 20 least, ten days' notice thereof in the Ontario Gazette, and also in some daily newspaper published in the said city, at which meeting the shareholders present in person or by proxy shall elect nine directors, with power to increase the said number to twelve directors in the manner and qualified as hereinafter 25 provided, who shall constitute a board of directors and hold office for one year after their election. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with 30 British subjects and shall be also eligible to hold all offices as directors or otherwise in the said company.

Calls.

5. Subject as aforesaid the shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said directors shall appoint; no such 35 instalment shall exceed ten per centum, of which call thirty days' notice shall be given.

Forfeiture and sale of shares for non-payment of calls.

6. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him the directors may forfeit such share or shares together with the 40 amount previously paid thereon in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act; Provided always that, in 45 case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what will be deemed necessary to pay such arrears, interest, 50 and expenses.

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Forfeited shares if unsold to revert be made before any share so forfeited shall have been sold,

such share shall revert to the owner as if the same had been to owners on duly paid before forfeiture thereof; and in all actions or suits calls, for the recovery of such arrears or calls it shall be sufficient for the company to allege that the defendant being the owner of 5 such shares is indebted to the said company in such sum of money as the ealls in arrear amount to for such and so many

shares, whereby an action liath accrued to the company by virtue of this Act; and on the trial it shall be only necessary Pleading, to prove that the defendant was owner of the said shares in evidence, etc.

10 the company; that such calls were made and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls or any other matter whatsoever, other than what is before mentioned; a copy of any by-law, rule, regulation, or minute, or of

15 any entry in any book of the company, certified to be a true copy or extract under the hand of the president, or one of the vice-presidents, or the managing director or secretary of the company, and sealed with the corporate seal, shall be received in all courts and proceedings as prima facie evidence of such

20 by-law, rule, regulation, minute, or entry without further proof thereof and without proof of the official character or signature of the officer signing the same or of the corporate seal.

8. No transfer of any share of the stock of the said company Transfer of 25 shall be valid until entered in the books of the said company stock: according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the said company is paid up it shall be necessary to obtain the consent of the directors to such transfer being made; Provid- Proviso.

30 ed always, that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

9. Each shareholder shall be individually liable to the Liability of creditors of the company to an amount equal to the amount shareholders. unpaid on the stock held by him for the debts and liabilities thereof, but no further; and the shares shall be deemed personal estate.

10. The stock, property, affairs and concerns of the said Qualification company shall be managed and conducted by nine directors or and election of directors, such increased number as shall have been appointed as herein-etc. before provided who shall hold office for one year; which directors shall be shareholders and be elected (after the expiry

45 of the year for which the board to be elected under the provisions of the fourth section shall hold office) at the annual general meeting of the shareholders to be holden at Hamilton or elsewhere as the directors may determine on the anniversary of the first election of directors, and on the same or such other

55 day in each following year as may be appointed by by-law, not less than ten days' notice of such meeting being given as provided in section four; the said election shall be held and made by such of the shareholders present in person or by proxy, as shall have paid all calls made by the directors and

then due; and all such elections shall be by ballot; and the nine, or such increased number of persons who shall have the greatest number of votes at any such election shall be directors except as hereinafter directed, and if two or more persons have an equal number of votes in such a 5 manner that a greater number of persons than nine or such increased number as aforesaid shall appear to be chosen as directors, then the directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes 10 shall be the director or directors so as to complete the whole number of nine or such increased number; and the said directors (as soon as may be after the said election) shall proceed in like manner to elect, by ballot, one of their number to be president and one to be vice-president; and if any 15 vacancy should at any time happen amongst the said directors by death, resignation, disqualification or removal during the current year of office such vacancy shall be filled for the remainder of the year by the remaining directors or the majority of them electing in such place or places a shareholder or share- 20 holders eligible for such an office; Provided always, that no person shall be eligible to be or continue as director unless he shall hold in his name, and for his own use, stock in the said company to the amount of five shares, of one hundred dollars each, whereof at least ten per centum shall have been paid in, 25 and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the company.

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Non-election of directors not to work a dissolution of the company. 11. In case it should at any time happen that an election of directors of the said company should not be made on any 30 day when, pursuant to this Act, it should have been made, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed, and appointed by the directors for the time being; and the directors in office shall so continue until a new election is made.

Votes.

12. At all general meetings of the said company each share-holder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such 40 votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality 45 of votes

Annual meet-

13. At the annual meeting of the shareholders the election of directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and 50 statement of the affairs of the company with a list of all the shareholders thereof, and all such further information as may be required by the by-laws shall be laid before the shareholders; special general meetings of shareholders may be called in

such manner as may be provided for by the by-laws; and at all meetings of the shareholders the president, or in his absence the vice-president, or in the absence of both of them, a director or shareholder chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the easting vote in addition to his vote as shareholder.

14. At all meetings of directors three shall be a quorum for Quorum at the transaction of business; and all questions before them meetings of shall be decided by a majority of votes, and in case of an directors. shall be decided by a majority of votes, and in case of an 10 equality of votes the president, vice-president or presiding director shall give the casting vote in addition to his vote as a director.

15. The said company shall have power and authority to Powers of carry on the business of insurance on lives, to grant, purchase, company. 15 and dispose of annuities and to make and grant all policies

therein and thereupon, and generally to do all matters and things appertaining thereto or connected therewith, in the Province of Ontario and elsewhere, and to cause themselves to be insured against any loss or risk they may have incurred in 20 the course of their business, and generally to do and perform

all other necessary matters and things connected with and proper to promote these objects; and all policies or contracts of insurance issued or entered into by the said company shall be signed by the president or vice-president and counter-25 signed by the manager or secretary (or otherwise) as may be

directed by the by-laws, rules and regulations of the company, and being so signed and countersigned shall be deemed valid and binding upon the company according to the tenor and meaning thereof.

16. The directors may, if they deem it expedient, accept the Power to ac note of any member of the company or assignee of any of its cept notes in policies in lieu of cash for the full amount or part of any premiums. premium; such note shall be dated and made payable at the head office of the company, and bear on its face the number 35 of the policy against which it stands and shall be made payable at any time not exceeding three months; any such note within division court jurisdiction may be sued in the division

amount shall be held in any such note or notes than one an-40 nual premium, and such note shall be a lien upon the policy and form part of its reserve fund.

in which the head office of the company is situate, no greater

17. If any promissory note, cheque, draft, or bill of exchange Policies to be received by the company or any officer or agent thereof in void if notes payment either in whole or in part of any premium or predishonoured or
premiums on any policy or policies made or issued by the paid.

company be dishonoured, or if the premiums on any policy be
not paid when due to the company, or to one of its duly
authorized agents, such relies or relies and the second of the second o authorized agents, such policy or policies shall lapse and be null and void, and the company shall be discharged from all 50 liability under the same or in respect thereof, but the company shall be entitled to collect any such note, cheque, draft or bill of exchange, or so much thereof as covers the risk and expense

for the time the policy was kept in force by the giving of such

note, cheque, draft, or bill of exchange.

Certificate of agreement to instrument.

Certain policies exempt from seizure.

18. Any certificate or obligation issued by the company agreeing to purchase one of its policies for a fixed sum during purchase by agreeing to purchase one of its policies for a fixed sum during company to be a stated period, when accompanied by the policy duly assigned a negotiable or transferred shall be negotiable and shall convey title to or transferred, shall be negotiable and shall convey title to the policy to the party to whom it may be so assigned or 5 transferred; and any policy taken out in favour of a wife, child, relative, or other person having a beneficial interest in the life of the insured shall not be liable to seizure by the creditors of the person so insured.

Power to acquire real estate

19. The company shall have power to acquire and hold 10 real estate not exceeding an annual value of five thousand dollars for the purpose of its business within the Province of Ontario and to sell and dispose of the same and acquire other property in its place as may be deemed expedient; and to take, hold, and acquire all such lands and tenements real, or 15 immovable estate, as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to 20 the company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years; and the company may invest its funds or any part thereof in the public securities of the Dominion of Canada or any of the Provinces thereof, or of any foreign state or states when re-25 quired for the carrying on business in such foreign state, or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality, authorized to issue bonds or debentures, or in mortgages on real estate or in such other securities and in 30 such manner as the directors may elect; and may from time to time vary or sell the said securities or mortgage or pledge the same from time to time as occasion may require; the company shall have power to borrow money on the security of its debentures to an amount not exceeding one half of the 35 amount of its paid up capital stock, and ten per centum of the amount of its reserve or assets requisite for the reinsurance of the company's outstanding risks; and the legal standard for computing such reserve or reinsurance fund shall be the same mortality tables used and the same rate of interest as- 40 sumed in the computation of the company's rates of premiums for insurance.

Directors empowered to make by-laws, rules, etc.

20. The directors shall have full power and authority to make, and from time to time to alter by-laws, rules, regulations and ordinances as shall appear to them proper and need- 45 ful, touching the well ordering of the company, the management and disposition of stock, property, estates, and effects; the calling of special general meetings; the regulation of the meetings of the board of directors; the increasing or decreasing of the number of directors; the increasing of the capital 50 stock; the appointment of a manager or secretary, or other necessary officer, and of local boards, to facilitate the details of business, and the definition of the duties and powers of such local boards; the making of calls upon the subscribed capital; the issue and allotment of shares; the appointment and re- 55 moval of officers and agents of the company; the regulation of their powers and duties, and the remuneration to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of directors, and the establishment and regulation of agencies; the determining of rates, rules and conditions under which the company's policies shall be issued, transferred or repurchased.

- 21. The chief place of business of the company shall be in Head office. the City of Hamilton or elsewhere as the directors may deter10 mine; the said company shall have full power and authority to comply with the laws of any province, state, or country, wherein it proposes to carry on business, and to appoint therein, under the seal of the company, local managers, agents, or other officers.
- 15 22. The company shall not be bound to see to the execu-Company not tion of any trust whether express, implied or constructive in bound to see to execution of respect of any share; and the receipt of any stockholder, his trusts. attorney or agent in whose name the same may stand in the books of the company shall be a valid and binding discharge to 20 the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.
- 23. Every executor, administrator, tutor, curator, guardian, Trustees enor trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder.
- 24. The directors of the company at a meeting held for Dividends. 30 such specified purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business; Provided always that no part of its Proviso. capital be appropriated to such dividends, and also that a reserve or reinsurance fund sufficient to reinsure the company's 35 outstanding risks, valued by the standard hereinbefore mentioned shall be maintained; the directors may also, by resolution, order that the holders of policies or other instruments shall be paid such proportion of the actual realized profits in such portions, at such times and in such manner as the said 40 directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise; Provided always that the holders of the policies or other in-Proviso. struments so participating in the profits shall not be in anywise answerable or responsible for the debts of the said com-45 pany.
- 25. If the directors of the company declare and pay any Penalty for dividend when the company is insolvent or any dividend the paying dividends if such payment of which renders the company insolvent or diminpayment ishes the capital stock thereof, the directors declaring such impairs capital.

 50 dividend shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid;

but if any director present when such dividend is declared do forthwith, or if any director then absent, do within twentyfour hours after he shall have become aware thereof and able How directors to do so, enter in the minutes of the board of directors his may avoid liability.

Protest against the same, and do within eight days thereafter protest against the same, and do within eight days thereafter publish such protest in, at least, one newspaper, published at, or as near as may be possible to, the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

General laws as to life insurance to apply to company.

PRINTED BY HUNTER, ROSE & Co.

26. The said company shall be subject to all general laws 10 which have been, or may hereafter be, enacted by the Legislature of the Province of Ontario in reference to companies carrying on the business of life insurance.

An Act to incorporate the Prudential Life Assurance Company of Ontario. 1st Reading, (PRIVATE BILL.) TORONTO: Mr. WILLIAMS 1879

Session, 3rd Parliament, 42 Vic., 1879

An Act to incorporate the Prudential Life Assurance Company of Ontario.

WHEREAS John Harvey, James Watson, James M. Wil- Preamble. liams, M.P.P., Alexander Harvey, and Henry T. Ridley, M.D., all of the City of Hamilton, Esquires, and others have, by their petition, prayed for an act of incorporation for the 5 purpose of carrying on the business of Life Insurance under the name of the Prudential Life Assurance Company of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. All such persons as shall become shareholders of the Incorporation. said company shall be, and are hereby ordained, constituted, and declared to be, a body corporate and politic in law, in fact, 15 and in name, by the style and title of the Prudential Life Assurance Company of Ontario, for the purpose of carrying on the business of life assurance, and doing all things appertaining thereto or connected therewith in the Province of Ontario; and shall, and may, have, perpetual succession; 20 and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity, in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and 25 pleasure.

2. The capital stock of the said company shall be one mil-Capital. lion dollars, divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time by a vote of the directors at any ordinary or special 30 meeting to two millions of dollars, which said shares shall be, and are hereby, vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

3. For the purpose of organizing the said company, the said Provisional 35 John Harvey, James Watson, James M. Williams, Alexander Directors. Harvey and Henry T. Ridley shall be provisional directors thereof; and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily 40 papers published in the City of Hamilton, upon which stock books shall be recorded the subscriptions of such persons as

shall desire to become shareholders in the said company, and such books shall be opened in the City of Hamilton and elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they deem it necessary; and the provisional directors are hereby authorized to receive from the 5 shareholders a deposit of five per centum on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining this Act.

Election of Directors.

4. When and so soon as one hundred thousand dollars of 10 the said capital stock shall have been subscribed as aforesaid, and five per centum of the amount so subscribed paid into one or more of the chartered banks of this Province, to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the company, the said provis-15 ional directors shall call a general meeting of shareholders at some place to be named in the City of Hamilton, giving, at least, ten days' notice thereof in the Ontario Gazette, and also in some daily newspaper published in the said city, at which meeting the shareholders present in person or by proxy shall 20 elect nine directors, with power to increase the said number to twelve directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors and hold office for one year after their election. Aliens as well as British subjects, and whether resident in this Province or elsewhere, 25 may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects and shall be also eligible to hold all offices as directors or otherwise in the said company.

Calls.

5. Subject as aforesaid the shares of capital stock subscrib- 30 ed for shall be paid in and by such instalments, and at such times and places as the said directors shall appoint; no such instalment shall exceed ten per centum, and thirty days' notice shall be given of each call for any such instalment.

Porfeiture and sale of shares for non-payment of calls.

6. If any shareholder shall refuse or neglect to pay the 35 instalments due upon any share or shares held by him the directors may forfeit such share or shares together with the amount previously paid thereon in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the directors after such notice 40 as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act; Provided always that, in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on 45 demand to the owner; and no more shares shall be sold than what will be deemed necessary to pay such arrears, interest, and expenses.

Proviso.

7. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, 50 such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls it shall be sufficient for

Forfeited shares if unsold to revert to owners on payment of calls.

the company to allege that the defendant being the owner of such shares is indebted to the said company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the company by 5 virtue of this Act; and on the trial it shall be only necessary to prove that the defendant was owner of the said shares in evidence, etc. the company; that such calls were made and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls or

10 any other matter whatsoever, other than what is before mentioned; a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the company, certified to be a true copy or extract under the hand of the president, or one of the vice-presidents, or the managing director or secretary of the 15 company, and sealed with the corporate seal, shall be received

in all courts and proceedings as prima facie evidence of such by-law, rule, regulation, minute, or entry without further proof thereof and without proof of the official character or signature of the officer signing the same or of the corporate

20 seal.

8. No transfer of any share of the stock of the said company Transfer of shall be valid until entered in the books of the said company stock: according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the 25 said company is paid up it shall be necessary to obtain the consent of the directors to such transfer being made; Provid- Proviso. ed always, that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the direc-30 tors; and no transfer of stock shall at any time be made until all calls made thereon have been paid in.

9. Each shareholder shall be individually liable to the Liability of creditors of the company to an amount equal to the amount shareholders. unpaid on the stock held by him for the debts and liabilities 35 thereof, but no further; and the shares shall be deemed personal estate.

10. The stock, property, affairs and concerns of the said Qualification company shall be managed and conducted by nine directors or and election such increased number as shall have been appointed as herein-etc. 40 before provided who shall hold office for one year; which directors shall be shareholders and be elected (after the expiry of the year for which the board to be elected under the provisions of the fourth section shall hold office) at the annual general meeting of the shareholders to be holden at Hamilton or 45 elsewhere as the directors may determine on the anniversary of the first election of directors, and on the same or such other day in each following year as may be appointed by by-law, not less than ten days' notice of such meeting being given as provided in section four; the said election shall be held and 50 made by such of the shareholders present in person or by proxy, as shall have paid all calls made by the directors and then due; and all such elections shall be by ballot; and the nine, or such increased number of persons who shall have the

greatest number of votes at any such election shall be

directors except as hereinafter directed, and if two or more persons have an equal number of votes in such a manner that a greater number of persons than nine or such increased number as aforesaid shall appear to be chosen as directors, then the directors who shall have the 5 greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the director or directors so as to complete the whole number of nine or such increased number; and the said directors (as soon as may be after the said election) shall proceed in 10 like manner to elect, by ballot, one of their number to be president and one to be vice-president; and if any vacancy should at any time happen amongst the said directors by death, resignation, disqualification or removal during the current year of office such vacancy shall be filled for the re-15 mainder of the year by the remaining directors or the majority of them electing in such place or places a shareholder or shareholders eligible for such an office; Provided always, that no person shall be eligible to be or continue as director unless he shall hold in his name, and for his own use, stock in the said 20 company to the amount of fifty shares, of one hundred dollars each, whereof at least ten per centum shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the com 25 pany.

Proviso.

Non-election of directors not to work a dissolution of the company. 11. In case it should at any time happen that an election of directors of the said company should not be made on any day when, pursuant to this Act, it should have been made, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an 30 election in such a manner as may be regulated, directed, and appointed by the directors for the time being; and the directors in office shall so continue until a new election is made.

Votes.

12. At all general meetings of the said company each share-holder shall be entitled to give one vote for every share held 35 by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be 40 determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes

Annual meetings.

13. At the annual meeting of the shareholders the election of directors shall be held and all business transacted without 45 the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the company with a list of all the shareholders thereof, and all such further information as may be required by the by-laws shall be laid before the sharehold-50 ers; special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the president, or in his absence the vice-president, or in the absence of both of them, a director

or shareholder chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as shareholder.

14. At all meetings of directors three shall be a quorum for Quorum the transaction of business; and all questions before them meetings of directors. shall be decided by a majority of votes, and in case of an equality of votes the president, vice-president or presiding director shall give the casting vote in addition to his vote as a director.

10 15. The said company shall have power and authority to Powers of carry on the business of insurance on lives, to grant, purchase, company. and dispose of annuities and to make and grant all policies therein and thereupon, and generally to do all matters and things appertaining thereto or connected therewith, in the 15 Province of Ontario, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects; and all policies or contracts of in-20 surance issued or entered in oaby the said company shall be signed by the president or vice-president and countersigned by the manager or secretary (or otherwise) as may be directed by the by-laws, rules and regulations of the company, and being so signed and countersigned shall be deemed valid 25 and binding upon the company according to the tenor and

meaning thereof. 16. The directors may, if they deem it expedient, accept the Power to as note of any member of the company or assignee of any of its cept notes in policies in lieu of cash for the full amount or part of any premiums. 30 premium; such note shall be dated and made payable at the head office of the company, and bear on its face the number of the policy against which it stands and shall be made payable at any time not exceeding three months; no greater amount shall be held in any such note or notes than one an-

17. Any certificate or obligation issued by the company Certificate of agreeing to purchase one of its policies for a fixed sum during agreement to a stated period, when accompanied by the policy duly assigned company to be 40 or transferred, shall be negotiable and shall convey title to a negotiable the policy to the party to whom it may be so assigned or instrument. transferred; and any policy taken out in favour of a wife, Certain polichild, relative, or other person having a beneficial interest in cies exempt the life of the insured shall not be liable to seizure by the from seizure. 45 creditors of the person so insured.

35 nual premium, and such note shall be a lien upon the policy

and form part of its reserve fund.

18. The company shall have power to acquire and hold Power to acreal estate not exceeding an annual value of five thousand quire real dollars for the purpose of its business within the Province of Ontario and to sell and dispose of the same and acquire other 10 property in its place as may be deemed expedient; and to take, hold, and acquire all such lands and tenements real, or

immovable estate, as shall have been bonu fide mortgaged to it

by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the company in respect thereof or of the owners thereof; and 5 to retain the same for a period not exceeding ten years; and the company may invest its funds or any part thereof in the public securities of the Dominion of Canada or any of the Provinces thereof, or of any foreign state or states when required for the carrying on business in such foreign state, or 10 in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality, authorized to issue bonds or debentures, or in mortgages on real estate or in such other securities and in such manner as the directors may elect; and may from time 18 to time vary or sell the said securities or mortgage or pledge the same from time to time as occasion may require; the company shall have power to borrow money on the security of its debentures to an amount not exceeding one half of the amount of its paid up capital stock, and ten per centum of the 20 amount of its reserve or assets requisite for the reinsurance of the company's outstanding risks; and the legal standard for computing such reserve or reinsurance fund shall be the same mortality tables used and the same rate of interest assumed in the computation of the company's rates of premiums 25 for insurance.

Directors emrules, etc.

19. The directors shall have full power and authority to powered to make by-laws, make, and from time to time to alter by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the company, the manage- 30 ment and disposition of stock, property, estates, and effects; the calling of special general meetings; the regulation of the meetings of the board of directors; the increasing or decreasing of the number of directors; the increasing of the capital stock; the appointment of a manager or secretary, or other 35 necessary officer, and of local boards, to facilitate the details of business, and the definition of the duties and powers of such local boards; the making of calls upon the subscribed capital; the issue and allotment of shares; the appointment and removal of officers and agents of the company; the regulation 40 of their powers and duties, and the remuneration to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of directors, and the establishment and regulation of agencies; the determining of rates, rules and conditions under which the company's policies shall be issued, 45 transferred or repurchased.

Head office.

20. The chief place of business of the company shall be in the City of Hamilton or elsewhere in the Province of Ontario as the directors may determine; the said company shall have full power and authority to comply with the laws of any 50 province, state, or country, wherein it proposes to carry on business, and to appoint therein, under the seal of the company, local managers, agents, or other officers.

21. The company shall not be bound to see to the execu-Company not tion of any trust whether express, implied or constructive in bound to see respect of any share; and the receipt of any stockholder, his trusts. attorney or agent in whose name the same may stand in the

5 books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such re-10 ceipt.

22. Every executor, administrator, tutor, curator, guardian, Trustees enor trustee, shall represent the stock in his hands at all meet-titled to vote ings of the company, and may vote accordingly as a shareholder.

23. The directors of the company at a meeting held for Dividends. such specified purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business; Provided always that no part of its Proviso, capital be appropriated to such dividends, and also that a re-

20 serve or reinsurance fund sufficient to reinsure the company's outstanding risks, valued by the standard hereinbefore mentioned shall be maintained; the directors may also, by resolution, order that the holders of policies or other instruments shall be paid such proportion of the actual realized profits in

25 such portions, at such times and in such manner as the said directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise; Provided always that the holders of the policies or other in- Provise. struments so participating in the profits shall not be in any-

30 wise answerable or responsible for the debts of the said company.

24. If the directors of the company declare and pay any Penalty for dividend when the company is insolvent or any dividend the paying divipayment of which renders the company insolvent or dimin-payment 35 ishes the capital stock thereof, the directors declaring such impairs capidividend shall be jointly and severally liable as well to tal. the company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do 40 forthwith, or if any director then absent, do within twentyfour hours after he shall have become aware thereof and able

to do so, enter in the minutes of the board of directors his How director protest against the same, and do within eight days thereafter may avoid

publish such protest in, at least, one newspaper, published at, 45 or as near as may be possible to, the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

25. The said company shall be subject to all general laws General laws which have been, or may hereafter be, enacted by the Legis- as to life in-50 lature of the Province of Ontario in reference to companies ply to comcarrying on the business of life insurance, and especially to the pany. provisions of "The Ontario Insurance Act," being chapter one hundred and sixty of the Revised Statutes of Ontario.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to incorporate the Prudential Life Assurance Company of Ontario.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

PRIVATE BILL.

MR. WILLIAMS.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Walkerton School Lands.

HEREAS by deed bearing date the ninth day of Preamble.

December, in the year of our Lord one thousand eight hundred and sixty-nine, the following mentioned lands, that is to say the south half of park lot number one, 5 east of Colborne Street, park lot number two on the east side of said street, both west of Victoria Street in the Town of Walkerton, were conveyed by George Jackson, Esquire (his wife joining therein to bar her dower), to Her Majesty the Queen, in trust for the purpose of a public reserve for agri-10 cultural and militia purposes and for the use of the public generally as a pleasure ground and public park; and whereas all parties interested in said lands for agricultural purposes have released their rights thereto and conveyed any interest they had in said lands for such purposes as follows, that is to 15 say: the south half of said park lot number one to the Walkerton High School Board and their successors and assigns for a site for a high school and a playground, and said park lot number two to the Public School Board of the Town of Walkerton, in the County of Bruce, their successors and assigns for a 20 public school site and a play ground; and whereas the Corporation of said Town of Walkerton and said school boards have petitioned and prayed that Her Majesty Queen Victoria would release and convey Her Majesty's interest in said lands to said respective school boards; and whereas said George 25 Jackson has consented and agreed that said trusts may be so varied; and whereas Her Majesty Queen Victoria has agreed to release and convey to said respective boards her interest under said deed in said respective parcels of land, on condition that the Corporation of the said Town of Walkerton grant to 30 Her Majesty, in trust, similar rights for militia purposes in the following mentioned lands in said Town of Walkerton, that is to say: lots numbers seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five and seventy-six, north of Wellington Street and east of Jackson Street; lots 35 numbers seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, and eighty-two, north of Wellington Street and west of Jackson Street; lots numbers eighty-three, eighty-four, eighty-five, eighty-six and eighty-seven, south of North Street and west of Jackson Street; lots numbers eighty-eight, 40 eighty-nine, ninety, ninety-one, and ninety-two, south of North Street and east of Jackson Street; and lots numbers ninetythree, ninety-four, ninety-five, ninety-six, ninety-seven, and ninety-eight, north of North Street; and whereas said Corporation of said Town of Walkerton have agreed to grant to 45 Her Majesty, Queen Victoria, in trust, such similar rights

over said last hereinbefore mentioned lands and have also agreed to convey all the rights and interests held by them in said first mentioned lands under said deed from said George Jackson to said respective school boards for educational purposes as hereinafter mentioned; and whereas it is necessary to 5 obtain from the Legislative Assembly of the Province of Ontario an Act to authorize the conveyances necessary to carry out said objects and to enable Her Majesty, Queen Victoria, through the Government of the Dominion of Canada to release Her Majesty's interest in said first mentioned lands 10 and convey such interest to said respective school boards and to enable said Corporation of said Town of Walkerton to convey the interest the said town possesses in said lands, under said deed from said George Jackson to said respective school boards, and also to enable said corporation of said town to 15 convey to Her Majesty, Queen Victoria, in trust, rights for militia purposes in said other lands similar to the rights for militia purposes held by Her said Majesty in said first mentioned lands, under said deed; and whereas the said Corporation of the Town of Walkerton and the said school boards have 20 prayed for an Act authorizing them to carry out said arrangements and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 25

as follows:

Corporation of Walkerton authorized to lands.

1. The said Corporation of the Town of Walkerton may, and are hereby authorized and empowered to convey by deed convey certain under the seal of said corporation all the rights and interests of said town in the south half of said park lot number one, 30 east of Colborne Street and west of Victoria Street in said town to the Walkerton High School Board, their successors and assigns for a high school site and a play-ground, and all the rights and interests of said town in said park lot number two, east of Colborne Street and west of Victoria Street in 35 said town to the Public School Board of the Town of Walkerton, in the County of Bruce, and their successors and assigns for a site for a public school and a play-ground.

Corporation of Walkerton authorized to convey to the Crown rights in certain lands.

2. The said corporation of said town may also, and the said corporation is hereby authorized and empowered to con- 40 vey to Her Majesty, Queen Victoria, a right in the following mentioned lands, that is to say: lots numbers seventy, seventyone, seventy-two, seventy-three, seventy-four, seventy-five, and seventy-six, north of Wellington Street and east of Jackson Street, lots numbers seventy-seven, seventy-eight, seventy- 45 nine, eighty, eighty-one, and eighty-two, north of Wellington Street and west of Jackson Street; lots numbers eighty-three, eighty-four, eighty-five, eighty-six, and eighty-seven, south of North Street and west of Jackson Street; lots numbers eighty-eight, eighty-nine, ninety, ninety-one, and ninety-two, 50 south of North Street and east of Jackson Street; and lots numbers ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, and ninety-eight, north of North Street, all in the Town of Walkerton, similar to the rights possessed by Her Majesty in trust, under said deed from said George Jackson and the lands 55 mentioned in said deed.

3. It is further enacted that Her Majesty Queen Victoria Conveyances and the Government of the Dominion of Canada, may, and by the Crown they are hereby authorized and empowered, to convey all the Government right, title, and equity of them and each of them in said lands of the Dominion authorized the conveyances. 5 mentioned in said deed, from said George Jackson in the manion authorizner following, that is to say: the said south half of said park
lot number one, east of Colborne Street and west of Victoria
Street, in said Town of Walkerton, to said the Walkerton
High Solved Provident and the control of the said south half of said park High School Board and their successors and assigns for a high 10 sehool site and a play-ground, and the said park lot number two on the east side of Colborne Street and west of Victoria Street in said Town of Walkerton to the Public School Board of the Town of Walkerton, in the County of Bruce, and their successors and assigns for a public school site and a play-15 ground.

BILL.

An Act respecting the Walkerton School Lands.

1879.

1.t Reading,

PRIVATE BILL.

MR. SINCLAIR,

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Walkerton School Lands.

THEREAS by deed bearing date the ninth day of Preamble. December, in the year of our Lord one thousand eight hundred and sixty-nine, the following mentioned lands, that is to say the south half of park lot number one, 5 east of Colborne Street, park lot number two on the east side of said street, both west of Victoria Street in the Town of Walkerton, were conveyed by George Jackson, Esquire (his wife joining therein to bar her dower), to Her Majesty, in trust for the purpose of a public reserve for agricultural and militia purposes and for the use of the public generally as a pleasure ground and public park; and whereas all parties interested in said lands for agricultural purposes have released their rights thereto and conveyed any interest they had in said lands for such purposes as follows, that is to 15 say: the south half of said park lot number one to the Walkerton High School Board and their successors and assigns for a site for a high school and a playground, and said park lot number two to the Public School Board of the Town of Walkerton, in the County of Bruce, their successors and assigns for a 20 public school site and a play ground; and whereas the Corporation of said Town of Walkerton and said school boards have petitioned and prayed that Her Majesty would release and convey Her Majesty's interest in said lands to said respective school boards; and whereas said George Jackson has 25 consented and agreed that said trusts may be so varied; and whereas Her Majesty by and through the Government of Canada has agreed to release and convey to said respective boards Her Majesty's interest under said deed in said respective parcels of land, on condition that the Corporation of the 30 said Town of Walkerton grant to Her Majesty, in trust, similar rights for militia purposes in the following mentioned lands in said Town of Walkerton, that is to say: lots numbers seventy, seventy-one, seventy-two, seventythree, seventy-four, seventy-five and seventy-six, north 35 of Wellington Street and east of Jackson Street; lots numbers seventy-seven, seventy-eight, seventy-nine, eighty, eightyone, and eighty-two, north of Wellington Street and west of Jackson Street; lots numbers eighty-three, eighty-four, eighty-five, eighty-six and eighty-seven, south of North Street 40 and west of Jackson Street; lots numbers eighty-eight, eighty-nine, ninety, ninety-one, and ninety-two, south of North Street and east of Jackson Street; and lots numbers ninetythree, ninety-four, ninety-five, ninety-six, ninety-seven, and ninety-eight, north of North Street; and whereas said Cor-45 poration of said Town of Walkerton have agreed to grant to

Her Majesty, in trust, such similar rights over said last over said last hereinbefore mentioned lands and have also agreed to convey all the rights and interests held by them in said first mentioned lands under said deed from said George Jackson to said respective school boards for educational purposes as hereinafter mentioned; and whereas the said Corporation of the Town of Walkerton and the said school boards have prayed for an Act authorizing them to carry out said arrangements and whereas the sanction of the Legislature of the Province of Ontario is necessary to authorize the carrying 10 out of the same and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

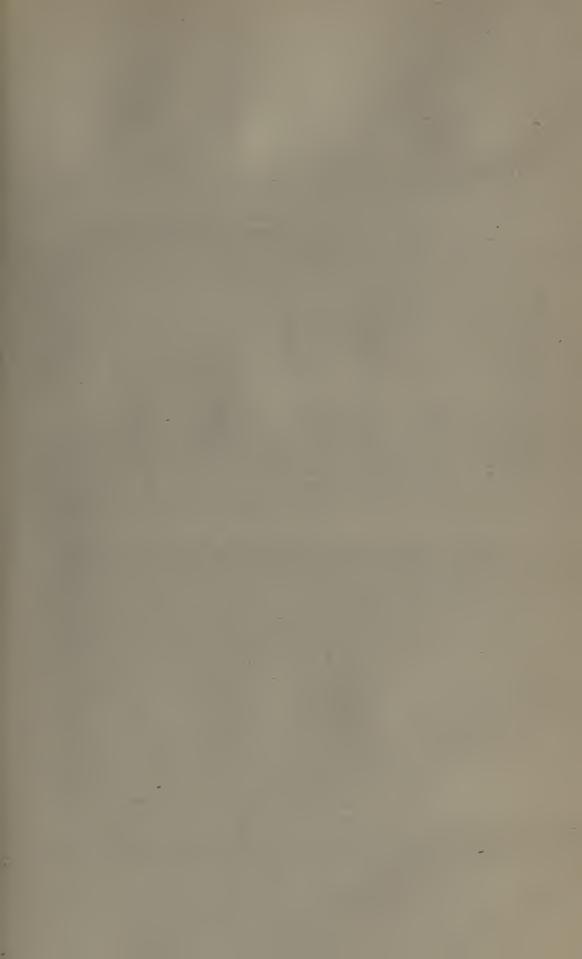
15

Corporation of Walkerton authorized to

1. The said Corporation of the Town of Walkerton is hereby authorized and empowered to convey by deed under convey certain the seal of said corporation all the rights and interests of said town in the south half of said park lot number one east of Colborne Street and west of Victoria Street in said 20 town to the Walkerton High School Board, their successors and assigns for a high school site and a play-ground, and all the rights and interests of said town in said park lot number two, east of Colborne Street and west of Victoria Street in said town to the Public School Board of the Town of Walker- 25 ton, in the County of Bruce, and their successors and assigns for a site for a public school and a play-ground.

Corporation of Walkerton authorized to convey to the Crown rights in certain lands.

2. The said corporation of said town is hereby authorized and empowered to convey to Her Majesty, in respect of the following mentioned lands, that is to say: lots numbers seventy, seventy- 30 one, seventy-two, seventy-three, seventy-four, seventy-five, and seventy-six, north of Wellington Street and east of Jackson Street, lots numbers seventy-seven, seventy-eight, seventynine, eighty, eighty-one, and eighty-two, north of Wellington Street and west of Jackson Street; lots numbers eighty-three, 35 eighty-four, eighty-five, eighty-six, and eighty-seven, south of North Street and west of Jackson Street; lots numbers eighty-eight, eighty-nine, ninety, ninety-one, and ninety-two, south of North Street and east of Jackson Street; and lots numbers ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, 40 and ninety-eight, north of North Street, all in the Town of Walkerton, rights similar to those possessed by Her Majesty in trust, under said deed from said George Jackson in respect of the lands mentioned in said deed.



TITIO

An Act respecting the Walkerton School Lands.

(Reprinted as amended.)

1st Reading, 29th January, 1879.

(PRIVATE BILL.)

MR. SINCLAIR.

TORONTO:

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Georgian Bay and Wellington Railway Company.

WHEREAS the Georgian Bay and Wellington Railway Preamble. Company have petitioned that an Act may be passed to amend the Act of incorporation of the said railway company, passed in the forty-first year of Her Majesty's reign, and 5 chaptered forty-seven, and to confirm certain by-laws granting aid to the said company, and for other purposes, and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

10 as follows:

1. Section one of the said Act is hereby amended by striking Sec. 1 of 41 out the words "Wellington and Georgian Bay" in the last line Vic., cap. 47, thereof, and substituting therefor the words "Georgian Bay" and Wellington," and the said section shall be read as if the 15 same had been originally passed as now amended, and it is de-clared that the corporate name of the same railway company is and has been since the passing of the said Act the Georgian Bay and Wellington Railway Company.

2. The corporation of any county municipality in which is Counties au-20 situated a village, town or township or portion of a township thorized to take bonus dewhich has given a bonus to the said company shall be at bentures of liberty to take the debentures issued by such village, town or villages, &c. township, and give in exchange therefor, to the said village, county debentown or township, or to the said company, debentures of the tures. 25 said county municipality to the same amount, on a resolution of the county council to that effect, and such county debentures are hereby declared to be binding on the said county.

3. The said company is hereby authorized and empowered Company auto take and make the surveys and levels of the lands through thorized to deposit plans and 30 which the said railway is to pass, together with the map or book of referplan thereof, and of its course and direction, and of the lands ence for sections of not intended to be passed over and taken therefor, so far as then less than five ascertained, and also the book of reference for the railway, and miles. to deposit the same as required by the clause of the Railway

35 Act of Ontario, and amendments thereto, with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon

40 such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with the Act incorporating the said railway company and the amendments thereto, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to 10 be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to plans and surveys. 15

By-lawsgranting bonuses and debentures issued thereunder declared valid.

4. The by-laws heretofore passed by the municipal councils of the Towns of Palmerston, Durham and Owen Sound and the Village of Mount Forest and the Townships of Egremont, Glenelg, Bentinck, Sullivan and Derby, granting aid to the said company, and all debentures now issued or that may hereafter 20 be issued under and in pursuance of the said by-laws are, and the same are hereby declared to be, legal, valid and binding upon the said corporations respectively, any law, custom or statute to the contrary notwithstanding, and notwithstanding any omission or defect in point of form or otherwise in said 25 by-laws, or any of them, or in the passing thereof, or in the said debentures or any of them, or in the charter of the said company.

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,(PRIVATE BILL.)	ding,	B pecting 1 agton R	
'E BILI	1	BILL. the Geor	3rd Parliament,
S.	1879	BILL. Act respecting the Georgian Bay Wellington Reilway Company.	42 Vic.,

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Georgian Bay and Wellington Railway Company.

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Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

10 as follows:

1. Section one of the said Act is hereby amended by striking Sec. 1 of 41 out the words "Wellington and Georgian Bay" in the last line Vic. cap. thereof, and substituting therefor the words "Georgian Bay amended. and Wellington," and the said section shall be read as if the 15 same had been originally passed as now amended, and it is declared that the corporate name of the same railway company is and has been since the passing of the said Act the Georgian Bay and Wellington Railway Company.

2. The corporation of any county municipality in which is Counties au-20 situated a village, town or township or portion of a township thorized to take benus debentures of liberty to take the debentures issued by such village, town or villages, &c., in exchange for township, and in exchange therefor to hand over to the trustownty debentures of the trustownship. tees under the said Act debentures of the said county muni-tures. 25 cipality to the same amount, on a resolution of the county council to that effect, and such county debentures are hereby

declared to be binding on the said county.

3. The said company is hereby authorized and empowered Company auto take and make the surveys and levels of the lands through thorized to de-30 which the said railway is to pass, together with the map or book of reference of the plant thereof, and of its course and direction, and of the lands ence for sections of not less than five ascertained, and also the book of reference for the railway, and miles. to deposit the same as required by the clause of the Railway 35 Act of Ontario, and amendments thereto, with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the said company

may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said

railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with the Act incorporating the said railway company and the amendments thereto, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to 10 be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to plans and surveys. 15

By-lawsgrant-ing bonuses and debentures issued thereunder declared valid.

4. The by-laws heretofore passed by the municipal councils of the Towns of Palmerston, Durham and Owen Sound and the Village of Mount Forest and the Townships of Egremont, Glenelg, Bentinck, Sullivan and Derby, granting aid to the said company, and all debentures now issued or that may hereafter 20 be issued under and in pursuance of the said by-laws are, and the same are hereby declared to be, legal, valid and binding upon the said corporations respectively, any law, custom or statute to the contrary notwithstanding, and notwithstanding any omission or defect in point of form or otherwise in said 25 by-laws, or any of them, or in the passing thereof, or in the said debentures or any of them, or in the charter of the said company.

PRIVATE BILL.	1st Reading, 28th January, 1879.	(Reprinted as amended.)	An Act respecting the Georgian Bay and Wellington Railway Company.
			an

Session,

3rd Parliament, 42 Vic.,

1879

Mr. HUNTER

An Act respecting the Profession of Land Surveyors in the Province of Ontario.

WHEREAS the land surveyors of the Province of Ontario Preamble.
have, by their petition, prayed that they may be incorporated, and a council established for the government of their profession, and that authority may be given to such council to 5 establish a more efficient system of rules for the government of the said profession, and to improve the education of provincial land surveyors, and extend the advantages of such education; and whereas it is expedient to grant the prayer of the said petition;

O Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

- 1. This Act shall be known and cited as "The Land Survey- Short title. ors' Act, 1879."
- 2. From and after the day of next Incorporation. after the passing of this Act, the land surveyors of the Province of Ontario shall be deemed to be a body corporate, by the name of "The Association of Provincial Land Surveyors of Ontario," having perpetual succession and a common seal, with 20 power to acquire, hold, and dispose of chattel property and real estate, for the purposes of this Act, and to sue and be sued in the manner usual with such corporations.

3. Every person admitted to practise as a provincial land Members of surveyor under the Acts now or heretofore in force in the corporation.

25 Province of Ontario, or the late Province of Canada, who shall comply with the provisions of this Act, and every person hereafter admitted to practise as a provincial land surveyor, under the provisions of this Act, shall be a member of the said incorporated association.

- 4. No person shall act as a surveyor of lands within this Unauthorized Province unless he has been duly authorized to practise as a persons not to practise as land surveyor according to the provisions of this Act, or has land surveyors complied with the provisions of this Act, as hereinafter provided, as having been authorized to practise before the passing 35 thereof, according to the laws then in force.
 - 5. A council, which shall be styled "The Council of the As-Council sociation of Provincial Land Surveyors of Ontario," hereinafter referred to as "the council," shall be established, and shall hold office for three years, or until their successors are elected.

Ex officio members of Council.

6. The Commissioner of Crown Lands of Ontario for the time being, the Surveyor-General of the Dominion of Canada, and every person who has held that office; the Surveyor-in-Chief of Ontario, and every person who has held that office, or the office of Deputy Surveyor-General of the Province of Ontario, or of the former Province of Canada, shall be ex officio members of the council.

Board of examiners under members of the first

7. The members of the board of examiners appointed under and by virtue of chapter one hundred and forty-six, Revised R. S. O., and by virtue of chapter one nundred and 10 ty-six, nevised cap. 146, to be Statutes of Ontario, shall be members of the council for and 10 during the first term of three years after this Act shall take effect, but shall be eligible for election to any subsequent

Number of council to be elected.

8. Exclusive of ex officio members and members of the pres- 15 ent board of examiners, the council shall be twelve in number, to be elected as hereinafter provided.

Quorum.

9. Any five members of the council shall be a quorum for the transaction of business.

Time for election of council.

10. The first election of members of the council under this 20 Act shall be held on the second Wednesday of the month of May next after the passing of this Act, and the subsequent elections shall be held on the second Wednesday in the month of April of every third year thereafter; but in case the scrutineers are unable to complete the scrutiny upon such day, the 25 same shall be continued from day to day until the election is declared; in case any scrutineer is absent, the others shall appoint some person to act in his stead.

Scrutineers.

11. The Commissioner of Crown Lands, and some two members of the present board of examiners, to be named by the 30 said commissioner during the month of April preceding the election, shall be scrutineers for the first election; and for subsequent elections the council shall, during the month of March preceding the election, appoint two persons, not being candidates for election, to the council, who, with the President, shall 35 act as scrutineers at the election.

Voters.

12. Every duly qualified land surveyor who shall transmit a fee of five dollars to the secretary of the present board of examiners on or before the first day of May next after the passing of this Act may vote for twelve persons: Provided that the 40 said secretary shall accept as cash the receipt of the treasurer pro tempore of the association of land surveyors promoting this Act for any contributions which may have been made by any provincial land surveyor towards the parliamentary and other expenses connected with this Act. 45

Proviso.

- Place of elec-
- 13. On the second Wednesday of the month of May next after the passing of this Act, at such place in the City of Toronto as the Lieutenant-Governor in Council shall designate, notice whereof shall be published in three consecutive issues of the Ontario Gazette next preceding the said second Wednesday in 50 May, and on the second Wednesday in April in every third

year thereafter at such place in Toronto as the council may designate, there shall be elected twelve members of the council, by ballot, in open public meeting.

14. The twelve persons who shall receive the highest num-Persons receiv-5 ber of votes at such election shall be members of the council for to be members the next term of three years.

15. In case of an equality of votes between two or more per-Procedure in sons, which leaves the election of one or more members of the ity of votes. council undecided, the members of the association then present 10 shall proceed to ballot from among the persons so having an equality for a member or members of the council.

16. No person shall be entitled to vote as an elector at such Fees to be election unless all his fees to the association have been paid, paid. and unless he has transmitted to the secretary of the present 15 board of examiners the sum of five dollars, as provided by the twelfth section of this Act.

17, At the first election all provincial land surveyors who Voters at first shall have transmitted the said sum of five dollars to the secreelection of tary of the present heard of examinors as presided for heart. tary of the present board of examiners, as provided for by the 20 twelfth section of this Act, shall be eligible to vote, and at subsequent elections the secretary shall, on or before the first day of April previous to the election, make out an alphabetical list or register of those entitled to vote at the succeeding election, and such register may be examined by any voter at the 25 office of the secretary.

- 18. In case any member of the association complains to the Errors in list secretary, in writing, of the improper omission or insertion of of voters. any name in the said list, it shall be the duty of the secretary forthwith to examine into the complaint and rectify such error, 30 if any there be; and in case any person is dissatisfied with the decision of the secretary, he may appeal to the persons who have been appointed to act as scrutineers for the next election thereafter, and the decision of such scrutineers shall be final, and such list shall remain or be altered in accordance with 35 such decision.
 - 19. No person whose name is not inserted on the said list No person to vote unless on shall be entitled to vote at such election.
 - 20. No person shall be eligible as a member of the council Qualification of members of who is not qualified to vote at such election.
- 21. At all elections retiring members of the council shall be Retiring memeligible for re-election. bers eligible
 - 22. Any votes cast for any person who is ineligible to be a Votes for inmember of the council shall be null and void, and the election eligible pershall be declared as if such votes had not been cast.
- 23. Upon the completion of the scrutiny the said secretary Result of elecshall forthwith declare the result of said election, and report tion to be

the same to the Commissioner of Crown Lands, and shall cause the names to be published in the next two issues of the Ontario Gazette.

Power of council to make regulations.

24. The council may make such regulations as they may deem expedient, not contrary to the provisions of this Act, for 5 regulating the procedure under the preceding sections of this Act, and for the remuneration of the scrutineers under this Act.

If no secretary, or secre-tary ill, etc., president to secretary.

25. In the event of there being no secretary for the time being at the time at which any election under this Act is to be 10 held, or in the event of such secretary being unable from illappoint acting ness or other unavoidable cause to act at such elections, then, and in such case, the President for the time being shall appoint under his hand some other person to act as secretary, and such person so appointed shall perform all the duties of such secre-15 tary as prescribed by this Act:

Term of office.

26. The persons so elected as members of the council as aforesaid shall take office forthwith on election, and shall hold office for the term of three years next thereafter, or until their suc-20 cessors shall be elected.

Seat to be vacated by nonattendance.

27. The seat of any member of the council who, having been duly notified, has failed to attend three consecutive meetings of the council, shall become vacant.

Enquiry into elections.

28. The majority of the members of the council present at the first meeting after their election may appoint a committee 25 of their number to enter into any enquiry with respect to the due election of any of the said members, whose elec-tion or elections may be petitioned against by any person eligible to vote, and who voted at the election of such member or members, and, after such enquiry, to report such member or 30 members as duly or not duly elected or qualified, according to the fact, and, if necessary, to report the name or names of the next in order of votes of the duly qualified candidates or persons voted for in lieu of the person or persons petitioned against and reported not duly elected or qualified, and, on the 35 confirmation of the said report by the majority of the members of the council (other than those petitioned against) present at any meeting for that purpose, the person or persons so reported in lieu of those petitioned against, as aforesaid, shall be taken and deemed to be the duly elected and qualified mem- 40 ber or members.

Time for filing petition.

29. No petition against the return of any member of the council shall be entertained unless such petition is filed with the secretary within twenty days after the election, and such petition shall contain a statement of the grounds on which 45 such election is disputed, and shall be served upon the member whose election is disputed within twenty-five days after such election, and no grounds not mentioned in the petition shall be gone into on the hearing of such petition.

30. On any such petition being duly filed as aforesaid, the Hearing of council shall, at its first meeting next after such election, ap-petition. point a day for the hearing of such petition, and give notice of such day to the petitioner and the person whose return is 5 disputed, but all such petitions shall be finally disposed of within two months next after such meeting.

31. On the hearing of any such petition the council shall Power to exhave power to examine witnesses under oath, and a summons amine witunder the hand of the president, or under the hand of three etc. 10 members of the council, for the attendance of a witness shall have all the force of a subpœna, and any witness not attending in obedience thereto shall be liable to attachment in any of the Superior Courts.

32. Any persons petitioning against the return of any mem-Deposit for 15 ber of the council shall deposit with the secretary the sum of costs. one hundred dollars, to meet any costs which such member may be put to in the opinion of the committee before which such petition is heard, and such committee shall have power, in the event of such petition being dismissed to award such sum, 20 to be paid to the member petitioned against, as in their opinion is just, and shall have power, in their discretion, in the event of such member being decided to be not duly elected or qualified to award costs to the petitioner, and the costs so awarded shall be recoverable in any court of competent jurisdiction.

33. The council shall, at its first meeting after its election, Election of proceed to elect one of its members as president, and such pre-president. sident shall hold office during the term for which such council has been elected, and until the election of his successor.

34. In case of the failure in any instance to elect the requi- Provisions in site number of members of the council, according to the pro-case of failure visions of this Act, or in case of any vacancy caused by the to elect, filling vacancies, etc. death or resignation of any member, or by any other cause, then it shall be the duty of the remaining members, with all 35 convenient speed, at a meeting to be specially called for the purpose, and to be held within one month from the happening of such vacancy, to supply the deficiency in the number of members failed to be elected as aforesaid, or caused by any other means aforesaid, by appointing to such vacant place or 40 places, as the same may occur, any person or persons duly qualified under the provisions of this Act, to be elected as member or members, and the person or persons so appointed shall hold office for the residue of the period for which the other members have been elected.

- 35. In case of a vacancy occurring in the office of president, Vacancy in by death, resignation, or otherwise, the council shall elect one office of presiof its members to fill such vacancy, and the member so elected dent. shall hold office until the next election of members of the council, or until his successor is elected.
- 36. The council may from time to time make rules for the Rules of govgovernment of the association, for the remuneration of the ernment and members of the council, and other purposes connected remuneration of council, etc. therewith.

Appointment of officers.

37. The council may appoint such officers and servants as may be necessary for the management of the association, and provide for their remuneration.

Power tomake rules, impose fees, etc.

38. The council may from time to time make rules for the improvement of the education of persons desiring admission as 5 land surveyors, and may impose fees and prescribe rules for the governance of students, and for their examinations, conditional to their admission as provincial land surveyors, and may admit to practise as provincial land surveyors persons who may pass such examinations.

Fees to be property of council.

39. All fees received and all penalties imposed and recoverable under this Act, shall belong to and be the property of the council, and shall be applied to the use and for the purposes of the association.

Power of council.

40. The council may from time to time establish a tariff of 15 fees to be taken by provincial land surveyors, and make all necessary rules, regulations, and by-laws, and dispense therewith from time to time to meet the special circumstances of any particular case respecting the matriculation of students, the period and conditions of study, the admission of provincial 20 land surveyors, and all matters relating to the discipline and honour of the profession.

Further powers as to admission and studies of students.

41. The council shall also have power and authority to fix and determine from time to time a curriculum of studies to be pursued by students, to fix and determine the period for which 25 every student shall be articled and employed under some duly admitted and qualified provincial land surveyor in actual practice, and the examinations necessary to be passed before the said council or the examiners thereby appointed, and the subjects upon which such students shall be examined at such 30 examination, and the fees to be paid into the hands of the treasurer by such students before being admitted to practise as a provincial land surveyor; but no change to be made under the authority of this section shall affect any student of two years' standing or upwards.

Power to suspend or cancel certificates.

42. The council may suspend or cancel the certificate of any provincial land surveyor who has been convicted of any crime before any Court of Record, Interim Sessions, or under the Act respecting summary trials by consent before justices, for nonpayment of fees, or for unprofessional conduct, duly proven to 40 the satisfaction of the council.

Appointment

43. The council shall have power and authority to appoint or examiners for the admission of all students to the matriculation or primary examinations, and any intermediate examinations that may hereafter be ordered by the council, 45 and for admission to practise as a provincial land surveyor, and to provide for the remuneration of such examiner or examiners.

44. The council may make rules for the admission as prolate admission vincial land surveyors of surveyors duly licensed by the Do- 50 persons.

minion or any of the Provinces thereof, graduates of any university within Her Majesty's dominions, or of the Military College at Kingston, and land surveyors of the United Kingdom, and any British colony or dependency, or of any foreign state 5 or country.

45. Every provincial land surveyor shall pay to the treas- Annual fees. urer, or any person deputed by him to receive the same, such annual fee, not less than five dollars, as may be determined by the council, towards the general expenses of the association, 10 which annual fee shall be payable between the first days of January and April in each year.

46. No person who has not been admitted as a provincial No person not land surveyor, or who has not paid the sum of five dollars to qualified, or the secretary of the present board of examiners, provided by fees, etc., shall to the twelfth section of this Act, or who is in default to the ascretory of the present board of examiners, provided by fees, etc., shall to the default to the ascretory of the present any court of law or equity. sociation for his fees, shall recover in any court of law or equity for any services rendered by him as such provincial land surveyor, and the certificate of the secretary of the council, under the common seal of the association, or the secretary of the pres-20 ent board of examiners, until a secretary shall be appointed under this Act, shall be conclusive evidence of such non-membership or non-payment of fees.

47. Any provincial land surveyor who omits or neglects to Surveyors pay the said sum of five dollars, as provided by the twelfth sec-whose fees are not paid de-25 tion of this Act, or who makes default in payment of his annual prived of prifees to the council, shall not be entitled to any of the rights or vileges under privileges conferred under the provisions of this Act so long as privileges conferred under the provisions of this Act so long as such omission or neglect continues, and he shall be liable to all the penalties imposed by this Act against persons practising as 30 provincial land surveyors without being duly qualified so

48. It shall not be lawful for any person not admitted as a Persons not provincial land surveyor, or who, having been admitted as such, admitted, or whose fees are omits or neglects to pay any of the fees under this Act im-unpaid 35 posed, or authorized to be imposed by the council, to practise as entitled to a provincial land surveyor, for hire, gain, or hope of reward, practise. and if any such person not duly admitted to practise, or, who being admitted, omits or neglects to pay any of the fees under this Act imposed or authorized to be imposed, practises, or professes 40 to practise, as a provincial land surveyor, for hire, gain, or hope of reward, he shall, upon summary conviction thereof, before any justice of the peace, for any and every such offence, pay a penalty of one hundred dollars and costs, which said penalty shall, on recovery, be paid over to the council for the uses of 45 the association.

49. Any person who wilfully or falsely pretends to be a Penalty for provincial land surveyor, or assumes any title, addition, or des-falsely pretending to be cription, other than he actually possesses, and is legally entitled a surveyor. to, shall be liable, on conviction thereof before a justice of the 50 peace, to a penalty of fifty dollars, with costs, which said penalty shall, on recovery, be paid over to the council for the uses

of the association.

50. No person shall be appointed to any position, or be employed as a land surveyor in any branch of the public service

of this Province, or on any railway or other public work, or

by any municipality or public institution, unless and until he

51. All prosecutions against any one acting in contravention

52. In all prosecutions and legal proceedings under this Act 10

53. Sections numbered from one to twenty-five of the Act 15

ance with the Act respecting Summary Convictions before

mon seal of the association, shall be evidence of the facts therein certified to, or of any act, proceeding, by-law, or regulation

under this Act of the provisions of this Act shall be had under and in accord-

secretary to be the certificate of the secretary of the council, under the com-

service, etc., unless qualified under this has complied with the provisions of this Act.

Justices of the Peace.

of the council.

No person to be employed as a surveyor in the public

Prosecutions

Certificate of

Inconsistent

Vic..

Session, 3rd Parliament.

Act.

1st Reading.

An Act to incorporate the Ontario Steam and Heating Company.

WHEREAS John Eastwood, William P. Moore, Alexander Preamble. Turner, James G. Davis and J. M. Williams, all of the City of Hamilton, Esquires, and others, have, by their petition, prayed for an Act of incorporation, under the name of the. 5 Ontario Steam and Heating Company, for the purpose of erecting works for the supply of steam for power and for heating purposes in any city, town, or other corporation in Ontario; and whereas it is expedient to grant the prayer of the said

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

- 1. The said John Eastwood, William P. Moore, Alexander Incorporation. Turner, James G. Davis and J. M. Williams, and such 15 other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of the Ontario Steam and Heating Company.
- 2. The capital stock of the said company shall be one hun- Capital. 20 dred thousand dollars, in shares of one hundred dollars each.
 - 3. The petitioners shall be provisional directors of the said Provisional company, to obtain subscriptions for stock and organize the directors. said company, and shall hold office until the election of directors, as hereinafter provided for.
- 4. When ten thousand dollars of the capital stock has been First election subscribed, and a sum equal to ten per centum thereon paid up, of directors. the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders 30 for that purpose, first giving two weeks notice thereof by circular sent by post to the then shareholders.
- 5. The board of directors shall consist of seven shareholders, Number and each of whom shall own not less than one thousand dollars of qualification subscribed stock; and three directors shall form a quorum; time of elec-35 and, after the first election, shall be elected on the fifteenth day tion, etc. Quorum. of January in each year, at the office of the company; and all elections shall be by ballot, by a majority of the votes of the shareholders present each share shall have one vote, and shareholders not personally attending may vote by proxy; and

the directors so chosen shall, as soon as may be, elect one of their number to be president; and directors shall continue in office one year, and until others shall be chosen to fill their places; and if any vacancy shall occur in the office of president or directors, the remaining directors shall fill up such vacancy 5 for the remainder of the term.

Time of commencement of operations. 6. When stock to the amount aforesaid shall have been subscribed, and a sum equal to twenty per centum thereof paid up, and the said board shall have been elected in manner aforesaid, the company may commerce operations and exercise 10 the powers hereby granted, but the company shall commence operations within five years from the passing of this Act.

Powers.

7. The company are hereby authorized and empowered to construct, maintain, complete, and operate, in the several cities, towns, and other municipal corporations of the Province. works 15 for the manufacture of steam for purposes of power and heating, and may conduct the same, by means of pipes or otherwise, through, under, and along the streets, highways and public places of such cities, towns and other municipalities, and through, under and along any private property within the said 20 municipalities, under and subject, as to such streets, highways and public places, to any agreement hereafter to be made between the company and the said municipalities respectively, or of any of them, and under and subject to any by-law or bylaws of the council or councils of the said municipalities, or of 25 any of them, passed in pursuance thereof; and, as to the right to conduct such pipes through, under and along such private property, the same shall be subject to sections eighty-two, eighty-three, eighty-four and eighty-five of the Act respecting joint stock companies for supplying cities, towns and villages 30 with gas and water, chapter one hundred and fifty-seven, Kevised Statutes of Ontario, and the said sections shall be read as forming part of this Act.

Cap 149, R. S. O. incorporated with Act.

8. The clauses and provisions of the Ontario Joint Stock Companies' General Clauses Act, Revised Statutes of Ontario, 35 chapter one hundred and forty-nine, except so far as the same are altered by the express provisions of this Act, are hereby declared to form part of this Act.

Certain sections of cap. 157, R. S. O. ncorporated. 9. Sections fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, 40 sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty and eighty-one, of the Act respecting joint stock companies for supplying cities, towns and villages with gas and water, being chapter one 45 hundred and fifty-seven, Revised Statutes of Ontario, shall be read as forming part of this Act, except that the said sections for the purposes of this Act shall be read as providing for the passage and supply of steam for the purposes of heating and power, instead of the passage and supply of water or gas, the word "steam" being, for the purposes aforesaid, substituted 50 for the words "gas or water," or "gas and water," wherever the said words occur in the said sections.

- 10. The said company may form local boards of directors, Local boards for the management of the works in any municipality, and of directors. the formation, powers and duties of such local boards shall, from time to time, be established, regulated and defined by the 5 by-laws of the said company in that behalf.
- 11. Any director of the said company may be a contractor Directors may for the construction of any of the works of the said company: contract with Provided the construction is let by tender, and the contracting Provided. director refrains from voting or acting as a director with 10 reference to the giving of the contract for the works tendered

ВІШЬ

An Act to incorporate The Ontario Steam and Heating Company.

1st Reading,

1879.

PRIVATE BILL.

MR. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Ontario Steam and Heating Company.

W HEREAS John Eastwood, William P. Moore, Alexander Preamble.
W Turner, James G. Davis, J. M. Williams, James Turner,
W. E. Sandford, Charles Gurney, William J. Copp, W. A.
Robinson, William Burrow, John H. Tilden, Donald McPhie,
J. C. McKeand, all of the City of Hamilton, Esquires, Alexander
Manning, Noah Barnhart, Charles Davidson, John Gillespie,
John T. Reed, J. D. Nivin, M. H. Samuel, Robert Wilkes,
Thomas Christie, James Alexander, all of the City of Toronto,
Esquires, and others, have, by their petition, prayed for an Act
of incorporation, under the name of the Ontario Steam and
Heating Company, for the purpose of creeting works for the
supply of steam for power and for heating purposes in any city,
town, or other corporation in Ontario; and whereas it is expedient to grant the prayer of the said petition;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said John Eastwood, William P. Moore, Alexander Incorporation. Turner, James G. Davis, J. M. Williams, Alexander Manning, 20 Noah Barnhart, Charles Davidson, John Gillespie, John T. Reed, J. D. Nivin, M. H. Samuel, Robert Wilkes, Thomas Christie, James Alexander, James Turner, W. E. Sandford, Charles Gurney, William J. Copp, W. A. Robinson, William Burrow, John H. Tilden, Donald McPhie, J. C. McKeand, and 25 such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of the Ontario Steam and Heating Company.

- 2. The capital stock of the said company shall be one hun-Capital. 30 dred thousand dollars, in shares of one hundred dollars each.
- 3. The said John Eastwood, William P. Moore, Alexander Provisional Turner, James G. Davis, J. M. Williams, Alexander Manning, Noah Barnhart, Charles Davidson, John Gillespie, John T. Reed, J. D. Nivin, M. H. Samuel, Robert Wilkes, Thomas 35 Christie, James Alexander, James Turner, W. E. Sandford, Charles Gurney, William J. Copp, W. A. Robinson, William Burrow, John H. Tilden, Donald McPhie, and J. C. McKeand, shall be provisional directors of the said company, to obtain subscriptions for stock and organize the said company, and 40 shall hold office until the election of directors, as hereinafter provided for.

First election of directors.

4. When fifteen thousand dollars of the capital stock has been subscribed, and a sum equal to ten per centum thereon paid up, the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by circular sent by post to the then shareholders.

Number and qualification of directors; time of election, etc. Quorum.

5. The board of directors shall consist of seven shareholders, each of whom shall own not less than two thousand dollars of subscribed stock, upon which at least twenty per cent. shall 10 have been paid up; and four directors shall form a quorum; and, after the first election, shall be elected on the third Monday of February in each year, at the head office of the company; and all elections shall be by ballot, by a majority of the votes of the shareholders present; each share shall have one vote, and 15 shareholders not personally attending may vote by proxy; and the directors so chosen shall, as soon as may be, elect one of their number to be president; and directors shall continue in office one year, and until others shall be chosen to fill their places; and if any vacancy shall occur in the office of president 20 or directors, the remaining directors shall fill up such vacancy for the remainder of the term.

Time of commencement of operations, 6. When stock to the amount of thirty thousand dollars shall have been subscribed, and a sum equal to twenty per centum thereof paid up, and the said board shall have been 25 elected in manner aforesaid, the company may commence operations and exercise the powers hereby granted, but the company shall commence operations within three years from the passing of this Act.

Powers.

7. The company are hereby authorized and empowered to 30 construct, maintain, complete, and operate, in the several cities, towns, and other municipal corporations of the Province of Ontario, works for the manufacture of steam for purposes of power and heating, and may conduct the same, by means of pipes or otherwise, through, under, and along the streets, high-35 ways and public places of such cities, towns and other municipalities, and through, under and along any private property within the said municipalities, but as to such streets, highways and public places, only upon and subject to such agreement in respect thereof, as shall be made between the company and the 40 said municipalities respectively, or of any of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities, or of any of them, passed in pursuance thereof; and, as to the right to conduct such pipes through, under and along such private property, the said private pro- 45 perty shall be dealt with and shall be taken as lands within the meaning of, and such last mentioned right and the user thereof shall be subject to, sections eighty-two, eightythree, eighty-four and eighty-five of the Act respecting joint stock companies for supplying cities, towns and villages 50 with gas and water, chapter one hundred and fifty-seven, Revised Statutes of Ontario, and the said sections shall be read as forming part of this Act.

8. The clauses and provisions of the Ontario Joint Stock Cap. 149, R. Companies' General Clauses Act, Revised Statutes of Ontario, porated with chapter one hundred and forty-nine, except so far as the same are Act. altered by the express provisions of this Act, are hereby de-5 clared to form part of this Act.

9. Sections fifty, fifty-one, fifty-two, fifty-three, fifty-four, Certain secfifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, 157, R.S.O. sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-ncorporated.

- seven, sixty-eight, sixty-nine, seventy-one, seventy-two, 10 seventy-three, seventy-four, seventy-five, seventy-six, seventyseven, seventy-eight, seventy-nine, eighty and eighty-one, of the Act respecting joint stock companies for supplying cities, towns and villages with gas and water, being chapter one hundred and fifty-seven, Revised Statutes of Ontario, shall, 15 save where some different provision is by this Act enacted, be read as forming part of this Act, except that the said sections for the purposes of this Act shall be read as providing for the passage and supply of steam for the purposes of heating and power, instead of the passage and supply of water or gas, the 20 word "steam" being, for the purposes aforesaid, substituted for the words "gas or water," or "gas and water," wherever the said words occur in the said sections.
- 10. The said company may form local boards of directors, Local boards for the management of the works in any municipality, and of directors.

 25 the formation, powers and duties of such local boards shall, from time to time, be established, regulated and defined by the by-laws of the said company in that behalf.
- 11. The said company shall not commence their operations Company not in any municipality without a by-law being first passed by to commence 30 the council thereof at least one month previous to its going any municipalinto force authorizing such company to commence its works or lity until authorized by operations in such municipality.

4th Session, 3rd Parliament, 42 Vic., 1879

An Act to incorporate The Ontario Steam and Heating Company.

(Re-printed as amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

Mr. WILLIAMS!

TORONTO:
PRINTED BY HUNTER, ROSH & Co.

An Act respecting the Whitby, Port Perry and Lindsay Railway Company.

THEREAS the Whitby, Port Perry and Lindsay Rail Preamble. way Company have petitioned the Legislative Assembly of Ontario for certain amendments to their Act of 5 incorporation; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said company shall have power to buy from the Power to pur-Whitby and Bobcaygeon Railway Extension Company, the chase Whitby and Bobcayrailway of the latter company when constructed or in process geon Railway of construction, and all lands, privileges, appurtenances, rights, Extension Company's and property, real and personal, now or hereafter acquired by Railway.

15 the latter company upon such terms as may be agreed upon between the two companies and either for cash or on credit or in bonds of the purchasing company, or in shares of its capital stock, or partly in one or other of such modes of payment; and in the event of any such purchase, such purchasing company

20 shall and may enjoy, exercise and enforce all the rights, powers, claims, benefits, franchises, and privileges, granted to or conferred on, or held, possessed, or enjoyed by such selling company subject always to all the existing liability of such selling company to comply with the terms of any municipal

25 by-law granting aid to such selling company, but any such proposed purchase and sale shall first be approved of at a special general meeting of the shareholders of the Whitby, Port Perry and Lindsay Railway Company, by a majority of those present or represented at such meeting.

2. It shall be lawful for the directors of the company, and Power to call they are hereby authorized to call in all outstanding mortgage in bonds and bonds of the company and, with the like sanction and with all the formalities required on the issue of such bonds, to issue other mortgage bonds to any amount not exceeding

hundred and dollars for each mile of their line of railway in and from Port Whitby in and to the Town of Lindsay, and such bonds when issued without registration or formal conveyance shall be the first and preferential claim and charge upon the franchises, undertaking and

40 property of the company, real and personal existing at the time of their issue or at any time thereafter required by the company and each holder of any of such bonds said be deemed to be a mortgagee and incumbrancer pro rata with all the Time ex-tended.

3. The time for the commencement of the construction of the railway from Port Perry to Uxbridge and Beaverton is hereby extended for three years from the passing of this Act, and for their completion the time is extended for two years 10 from the passing of this Act.

> An Act respecting the Whitby, Port Perry, and Lindsay Railway Company. 1st Reading,

th Session, 3rd Parliament, 42 Vic., 1879

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the Whitby, Port Perry and Lindsay Railway Company.

THEREAS the Whitby, Port Perry and Lindsay Rail-Preamble. way Company have petitioned the Legislative Assembly of Ontario for certain amendments to their Act of incorporation; and whereas it is expedient to grant the 5 prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said company shall have power to buy from the Power to pur-10 Whitby and Bobcaygeon Railway Extension Company, the chase Whitby and Bobcayrailway of the latter company when constructed or in process geon Railway of construction, and all lands, privileges, appurtenances, rights, Extension Company's and property, real and personal, now or hereafter acquired by Railway. the latter company upon such terms as may be agreed upon

15 between the two companies and either for cash or on credit or in bonds of the purchasing company, or in shares of its capital stock, or partly in one or other of such modes of payment; and in the event of any such purchase, such purchasing company

shall and may enjoy, exercise and enforce all the rights, 20 powers, claims, benefits, franchises, and privileges, granted to or conferred on, or held, possessed, or enjoyed by such selling company subject always to all the existing liability of such selling company to comply with the terms of any municipal by-law granting aid to such selling company, and also subject

- 25 to all other existing liabilities of such selling Company, but any such proposed purchase and sale shall first be approved of at a special general meeting of the shareholders of the Whitby, Port Perry and Lindsay Railway Company, by a two-thirds majority of those present in person or by proxy.
- 2. The time for the commencement of the construction of Time exthe railway to Uxbridge and Beaverton is hereby extended tended. for three years from the passing of this Act, and for their completion the time is extended for five years from the passing of this Act.
- 35 3. It shall be lawful for the Company to extend its line Extension of of Railway to the waters of the River Scugog, from any point on line to the River Scugog. its own line, or that of any other connecting line, and all the provisions of the Railway Act shall also apply to such extended line.

BILL.

An Act respecting the Whitby, Port Perry, and Lindsay Railway Company.

(Reprinted as amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

MR. BAXTER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Whitby and Bobcaygeon Railway Extension Company.

[| HEREAS the Whitby and Bobcaygeon Railway Exten-Preamble. sion Company have, by their petition, prayed for certain amendments to their Act of incorporation, and for the legalizing of certain by-laws of municipalities granting aid by way of bonus to the said company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows.

1. Every by-law heretofore passed by any municipality By-laws and granting aid by way of bonus to the said company shall be taken debentures declared valid. and held to be good and valid, and the same is hereby confirmed and the debentures by any such by-law authorized to be issued shall, when issued, be taken and held to be good and valid deben-

15 tures, and the time named in any such by-law for the commencement of the construction of the line of railway by said Act auth- Time for con-orized to be built is hereby extended for the period of one year named in Bybeyond the time named in any such by-law, and such by-law laws extended. shall be read and construed as if the time therein named for

20 such commencement had been one year beyond the time therein named for such commencement, and the same is hereby amended accordingly; and it shall be lawful for the municipal Power further council of any municipality that has heretofore passed any by-to extend law or may hereafter pass a by-law, granting aid to said company time. 25 by way of bonus or otherwise, and they shall have full power

from time to time, to extend the time for the commencement and completion of the said line of railway; and any such extension granted by such council shall modify and control such bylaw, and be deemed part thereof and anything in any such by-30 law inconsistent with any such extension shall be null and void.

2. The directors of the said company may issue bonds to Issue of Bonds. thousand dollars of any amount not exceeding lawful money of Canada, for each mile of railway, instead of 35 five thousand dollars a mile, as mentioned in the forty second section of the said Act, and the said section is hereby amended accordingly.

3. The said company shall have power to sell to the Whitby, Sale to Port Perry and Lindsay Railway Company the railway here-Perry and Lindsay Railway to be constructed, all lands, privileges, appurten-Lindsay Railances, rights and property, real and personal, now or hereafter way Company authorized.

acquired by the company, upon such terms as may be agreed upon between the two companies, and either for cash or on credit, or in bonds of the purchasing company or in shares of its capital stock or partly in one or other of such modes of payment and in the event of any such purchase, such purchasing 5 company shall and may enjoy, exercise and enforce all the rights, powers, claims, benefits, franchises and privileges, granted or conferred on, or held, possessed or enjoyed, by such selling company, subject always to all the existing liability of such selling company to comply with the terms of any municipal by-law grant- 10 ing aid to such selling company; but any such proposed purchase and sale shall first be approved of at a special general meeting of the shareholders by a majority of those present or represented at such meeting.

> An Act respecting the Whitby and Bobcay-geon Railway Extension Company. 1st Reading. 1879.

PRINTED BY HUNGER ROSE & Co.

TORONTO:

Session, 3rd Parliament, 42 Vic., 1879

An Act respecting the Whitby and Bobcaygeon Railway Extension Company.

HEREAS the Whitby and Bobcaygeon Railway Exten- Preamble. sion Company have, by their petition, prayed for certain amendments to their Act of incorporation, and for the legalizing of certain by-laws of municipalities granting aid by 5 way of bonus to the said company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows.

1. The by-laws heretofore passed by the following munici- By-laws and palities, viz: the Village of Bobcaygeon for twenty thousand debentures declared valid. dollars, and the Township of Verulam for twenty thousand dollars, and four thousand dollars respectively for granting aid by way of bonus to the said company shall be taken and held to be 15 good and valid, and the same are hereby respectively confirmed and the debentures by any such by-law authorized to be issued shall, when issued, be taken and held to be good and valid debentures, and the time named in any such by-law for the commence- Time for conment of the construction of the line of railway by said Act auth-struction 20 orized to be built is hereby extended for the period of one year laws extended. beyond the time named in any such by-law, and such by-law shall be read and construed as if the time therein named for such commencement had been one year beyond the time there-

in named for such commencement, and the same is hereby Power further amended accordingly; and it shall be lawful for the municipal to extend council of any municipality that has heretofore passed any by-time.

by way of bonus or otherwise, and they shall have full power from time to time, to extend the time for the commencement 30 and completion of the said line of railway; and any such extension granted by such council shall modify and control such bylaw, and be deemed part thereof and anything in any such bylaw inconsistent with any such extension shall be null and void, but the Railway Company shall not be entitled to any 35 interest that may accrue on such Debentures during such extended period.

law or may hereafter pass a by-law, granting aid to said company

2. The directors of the said company may issue bonds to Issue of Bonds. any amount not exceeding seven thousand dollars of lawful money of Canada, for each mile of railway, instead of five 40 thousand dollars a mile, as mentioned in the forty second section of the said Act, and the said section is hereby amended accordingly.

Whitby, Port Perry and Lindsay Rail-with the Whitby, Port Perry and Lindsay Rail-with the said company shall also have power to sell to the Whitby, Port Perry and Lindsay Railway Company the said company shall also have power to sell to the Whitby, Port Perry and Lindsay Railway Company the railway here-thorized to be constructed, all lands, privileges, appurtentiations. ances, rights and property, real and personal, now or hereafter acquired by the company, upon such terms as may be agreed upon between the two companies, and either for cash or on credit, or in bonds of the purchasing company or in shares of 10 its capital stock or partly in one or other of such modes of payment and in the event of any such purchase, such purchasing company shall and may enjoy, exercise and enforce all the rights, powers, claims, benefits, franchises and privileges, granted or conferred on, or held, possessed or enjoyed, by such selling company, 15 subject always to all the existing liability of such selling company to comply with the terms of any municipal by-law granting aid to such selling company; and also subject to all other liabilities of such selling Company, but any such proposed purchase and sale shall first be approved of at a special general 20 meeting of the shareholders by a two-thirds majority of those present in person or by proxy.

PRIVATE BILL TORONTO: MR. LAUDER

PRINTED BY HUNTER, ROSE & Co.

In Act respecting the Whitby and Bobcaygeon Railway Extension Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

th Session, 3rd Parliament, 42 Vic., 1879

An Act respecting the Township of Harvey, in the County of Peterborough.

HEREAS certain inhabitants of the Township of Preamble. Harvey, in the County of Peterborough, have, by their petition prayed that a portion of the said township may be detached therefrom and attached to the Township of Veru-5 lam, in the County of Victoria, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. From and after the first day of March next all that por- Part of the tion of the Township of Harvey, which lies west of Pigeon Township of Harvey to be Lake, consisting of all the lots in the nineteenth concession attached to from one to fifteen, inclusive of both numbers, also that por-the Township tion of the Township of Harvey, known as the Big Island, 15 shall be detached from the Municipality of the Township of

Harvey, and shall be annexed to the Municipality of the Township of Verulam, in the County of Victoria, for all municipal, electoral, and school purposes, as if the same had always formed part of the said Township of Verulam, and the 20 rest of the said Township of Harvey shall be entirely separated from the portions so detached for all purposes whatsoever.

2. Nothing in this Act shall exempt the ratepayers in the Ratepayers in tracts so detached from their liability to contribute to the still liable for payment of any municipal and school debts incurred before certain debts. 25 the passing of this Act.

BILL.

An Act respecting the Township of Harvey, in the County of Peterborough.

1st Reading,

1879.

(PRIVATE BILL.)

MR.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Township of Harvey, in the County of Peterborough.

HEREAS certain inhabitants of the Township of Proamble. Harvey, in the County of Peterborough, have, by their petition prayed that a portion of the said township may be detached therefrom and attached to the Township of Veru-5 lam, in the County of Victoria, and whereas it is expedient

to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

follows:

I From and after the first day of March next all that por- Part of the tion of the Township of Harvey, which lies west of Pigeon Township of Lake, consisting of all the lots in the nineteenth concession attached to from one to fifteen, inclusive of both numbers, shall be detached the Township of Verulara. from the Municipality of the Township of Harvey, and shall be 15 annexed to the Municipality of the Township of Verulam, in the County of Victoria, for all municipal, judicial, electoral, and school purposes, and also for the purpose of registration of titles as if the same had always formed part of the said Township of Verulam, and the rest of the said Township of 20 Harvey shall be entirely separated from the portions so detached for all purposes whatsoever.

2. Nothing in this Act shall exempt the ratepayers in the Ratepayers in tracts so detached from their liability to contribute to the part detached still liable for payment of any municipal and school debts incurred before certain debts. 25 the passing of this Act.

3. In case the Counties of Peterborough and Vic-Mode of detoria or the Townships of Harvey and Verulam do not, within terming three months after the first day of March, one thousand eight time of payhundred and seventy-nine, agree as to the sum to be paid by one ment of debt. 30 of such counties to the other or one of such townships to the other, as the case may be, in respect of the provisions of this Act or as to the times of payment thereof respectively, such matters shall as between such counties, if the County of Peterborough shall so require, and as between such townships if the 35 Township of Harvey shall so require, be settled and determined by arbitration, under and in accordance with the provisions of

the Municipal Act, and on ascertaining what amount the County of Victoria or, the Township of Verulam, as the case may be, shall pay to the County of Peterborough or the Township of 40 Harvey as the proportion of the debts of said County of Peter-

borough or Township of Harvey, which should be borne in respect of such declared portion, a proper allowance shall be made

Interest or debt.

- 4. The amount so agreed upon or determined by such 5 arbitration as aforesaid shall bear interest from said the first day of March and shall be provided for by the council of the indebted county or township, as the case may be.
- Arbitration clauses of the Municipal Act relating to arbitration shall be applied to such arbitration, so far as the same 10 may be applicable and not inconsistent with the provisions of this Act.

RIVATE BILL.

Mr. Deroche.

(Reprinted as Amended.)

1st Reading, 30th January, 1879.

An Act respecting the Township of Harvey, in the County of Peterborough.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

4th Session, 3rd Parliament, 42 Vic., 1879.

An Act to amend the Acts Incorporating the Consumers' Gas Company of Toronto, and Acts amending the same.

WHEREAS The Consumers' Gas Company of Toronto was Preamble incorporated for the purpose of supplying a cheap and effective mode of lighting the streets and places of the City of Toronto, and the area of the operations of the said com-5 pany was by subsequent Acts extended to the Village of Yorkville and the Township of York; and whereas the said company alleges that other modes of producing artificial light have been discovered and that gas may be beneficially used as a cheap fuel for heating and cooking purposes, and has petitioned 10 for an Act to amend its said Act of Incorporation and amendments thereto by authorizing said company to manufacture and use such other artificial light and to manufacture gas for such heating and cooking purposes, and for other amendments to their charter; and whereas it is expedient to grant the 15 prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

1. It shall and may be lawful for the said company to manu- Power to 20 facture and sell gas for heating, cooking and other than illu-manufacture minating purposes.

2. It shall and may be lawful for the said company in sub- Power to use stitution for gas or in connection therewith, or in addition electric or thereto, to manufacture, use and sell electric, galvanic or other light.

25 artificial light for the purpose of lighting said City of Toronto,
Village of Yorkville and Township of York.

3. It shall and may be lawful for the said company from time Power to acto time to acquire by purchase or otherwise any patent or quire patents. other rights for the manufacture, production, use and sale of 30 electric, galvanic or other artificial light or illuminant or gas for heating or cooking purposes, and to sell said patent or other rights or any of them if in the opinion of the directors unsuitable for the purposes of the company.

4. For the purpose of manufacturing and of distribut-Company to 35 ing said light or illuminant, other than gas, and of manufacturing and of distributing said gas for heating or cooking pursubject to expect the said of the poses, the said company shall have and enjoy all the powers isting duties. and privileges now held and enjoyed by said company for the manufacture and distribution of gas for lighting purposes, and 40 shall be subject to all the same duties that they are now subject to, and for the purpose of manufacturing and distri-

buting such artificial light or illuminant, other than gas, and such gas for heating or cooking purposes, the said company shall have the power to erect motors, generators, poles, and all other machinery and apparatus, and to extend wires in and upon and under the streets, squares and public places of 5 the City of Toronto, the Village of Yorkville and Township of York, and all the provisions made by said Act of Incorporation and amending Acts for the protection of the gas to be manufactured and distributed by the company thereunder, and for the protection of the property of the company and the pen- 10 alties and liabilities imposed thereby on any person or persons injuring the same or illegally using the same shall apply to the gas and artificial light or illuminant which the company are hereby authorized to manufacture and to the machinery, wires, apparatus and property of the company required for the 15 manufacture and distribution and use by the company and its customers of such gas and artificial light or illuminant.

Sec. 25 of 11 V. cap. 14 amended, 5. Section twenty-five of the said Act, passed in the eleventh year of the reign of Her Majesty, chaptered fourteen, is amended by inserting the word "or" between the words 20 "landlords" and "for" in the third line of said section, and the said section as so amended shall apply to all the pipes, wires, machines, apparatus, stoves and all other property of the company required for the purpose of distributing said gas or light, which said company is hereby authorized to manufac- 25 ture, or for its use by the said company or its customers.

Power to manufacture, &c., necessary apparatus, &c.

6. It shall be lawful for the said company, in addition to the powers granted by the fourth section of the Act of the Province of Canada, passed in the sixteenth year of Her Majesty's reign, chaptered one hundred and forty-two, to manu-30 facture, make, buy, sell, lease, and let for hire all electro-motors, generators, machines, apparatus, lamps, stoves, steam power generated from heat produced at the works of the company, or other motive power, and other things required for manufacturing, distributing and using the gas manufactured 35 by them for lighting or heating or cooking purposes, and the electric, galvanic or other artificial light or illuminant manufactured by them.

Reserve fund, amount and disposition thereof.

7. It shall and it may be lawful for the directors of the said company, from time to time, to accumulate out of 40 the net profits of the company, after payment of dividends as authorized by the charter of the company, a rest or reserve fund not exceeding in amount one-half of the capital stock of the company, which said rest or reserve fund may, from time to time, be invested by the directors of the company 45 in bonds, debentures, certificates for the payment of money, or other public securities of the Dominion of Canada, or of the Province of Ontario, or in the bonds or debentures of any city or county, or township in Ontario; and the directors may, from time to time, use and apply the amount of said rest or 50 reserve, or any part thereof, for and to the general purposes of the company, and sell the said investments, or any part thereof, or borrow money by pledging the same, or any part thereof, as collateral security for such loan, and use and apply the proceeds of such sale, or the amount so borrowed, for such general 55 purposes.

- 8. Nothing in this Act contained shall in any way re-Rights of strict, prejudice or interfere with the rights and powers of the Company not said company, as held and enjoyed by the said company prior to the passing of this Act.
- 5 9. The corporate name of the said company shall be changed Corporate to that of the Toronto Lighting and Heating Company.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL

An Act to amend the Acts Incorporating the Consumers' Gas Company of Toronto, and Acts amending the same.

1st Reading,

1879.

(PRIVATE BILL.)

Mr. Bethune.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Acts Incorporating the Consumers' Gas Company of Toronto, and Acts amending the same.

THEREAS The Consumers' Gas Company of Toronto was Preamble incorporated for the purpose of supplying a cheap and effective mode of lighting the streets and places of the City of Toronto, and the area of the operations of the said com-5 pany was by subsequent Acts extended to the Village of Yorkville and the Township of York; and whereas the said company alleges that other modes of producing artificial light have been discovered and that gas may be beneficially used as a cheap fuel for heating and cooking purposes, and has petitioned 10 for an Act to amend its said Act of Incorporation and amend-ments thereto by authorizing said company to manufacture and use such other artificial light and to manufacture gas for such heating and cooking purposes, and for other amendments to their charter; and whereas it is expedient to grant the 15 prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

1. It shall and may be lawful for the said company to manu- Power to 20 facture and sell gas for heating, cooking and other than illu-manufacture gas for heat-ing, &c.

2. It shall and may be lawful for the said company in sub- Power to use stitution for gas or in connection therewith, or in addition electric light, thereto, to manufacture, use and sell electric, galvanic or other 25 artificial light for the purposes set forth in their Act of Incorporation and amending Acts, and to manufacture, store and sell heat derived from other sources than coal gas and also steam or other motive power obtainable by means of any illuminating or heating agent used in the manufactures of the 30 Company.

- 3. It shall and may be lawful for the said company from time Power to acto time to acquire by purchase or otherwise any patent or quire patent. other rights for the manufacture, production, use and sale of electric, galvanic or other artificial light or illuminant or gas 35 for heating or cooking purposes, and to sell said patent or other rights or any of them if in the opinion of the directors unsuitable for the purposes of the company.
- 4. For the purpose of manufacturing and of distributing Company to said light or illuminant, other than gas, and of manufacturing enjoy existing 40 and of distributing said gas for heating or cooking purposes, be subject to and said steam or other motive agent or power, the said com- existing duties pany shall have and enjoy all the powers and privileges now

held and enjoyed by said company for the manufacture and distribution of gas for lighting purposes, and shall be subject to all the same duties that they are now subject to, so far as the said powers, privileges and duties mutatismutandis are respectively applicable for the purposes of this Act, and for the purpose of manufacturing and distributing such artificial light or illuminant other than gas, and such gas for heating or cooking purposes, and such steam or other motive agent or power as aforesaid, the said company shall have the power from time to time to erect, alter, improve, enlarge, extend and renew or discontinue 10 works, buildings, storehouses, including places for storing such gas, light, heat or motive power, motors, generators, poles and all other machinery and apparatus upon all lands now owned, leased or used by the said company or hereafter to be owned, leased or used by the said company as authorized by its char- 15 ter, and to lay down, set up, maintain, renew and remove in and upon and under the streets, squares and public places of the City of Toronto, the Village of Yorkville, the Village of Parkdale, and Township of York, all wires, tubes, pipes, posts and all other apparatus to enable said company to 20 supply and distribute such gas or other light and steam or other motive agent or power, and all the provisions made by the said Act of Incorporation and amending Acts for the protection of the gas to be manufactured and distributed by the company thereunder, and for the protection 25 of the property of the company and the penalties and liabilities imposed thereby on any person or persons injuring the same or illegally using the same shall apply to the gas and artificial light or illuminant and steam, or other motive agent or power as aforesaid which the company are hereby authorized to manu- 30 facture, and to the machinery, wires, apparatus and property of the company required for the manufacture and distribution and use by the company and its customers of such gas and artificial light or illuminant, steam or other motive agent or power as aforesaid: Provided that the rights and powers 35 granted to the said company by this section to make use of the streets and squares and public places of Toronto, Yorkville, Parkdale, and Township of York, so far as the same relate to steam or other motive agent or power or to electric, galvanic or other artificial light or illuminant other than gas shall not be 40 exercised except under and subject to any agreements hereafter to be made between the company and the said municipalities respectively or of any of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities, or of any of them, passed in pursuance thereof; and 45 as to the right to erect poles and conduct such pipes or wires for the transmission of such steam or other motive power or of electric, galvanic or other light or illuminant other than gas through, under and along private property, the same shall be subject to sections eighty-two, eighty-three, eighty-four, and 50 eighty-five of the Act respecting Joint Stock Companies, for supplying cities, towns and villages with gas and water, chapter one hundred and fifty-seven, Revised Statutes of Ontario, and the said sections shall be read as forming part of this Act.

Proviso.

Sec. 25 of 11 V. cap. 14 amended. 5. Section twenty-five of the said Act, passed in the 55 eleventh year of the reign of Her Majesty, chaptered fourteen, is amended by inserting the word "or" between the words "landlords" and "for" in the third line of said section, and the said section as so amended shall apply to all the pipes, wires, machines, apparatus, stoves and all other property of the

company required for the purpose of distributing said gas or light, or steam or other motive power which said company is hereby authorized to manufacture, or for its use by the said company or its customers.

6. It shall be lawful for the said company, in addition Power to to the powers granted by the fourth section of the Act of the manufacture, necessar Province of Canada, passed in the sixteenth year of Her Ma-apparatus, jesty's reign, chaptered one hundred and forty-two, to manu- &c. facture, make, buy, sell, lease, and let for hire all electro-mo-

10 tors, generators, machines, apparatus, lamps, stoves, and other things required for manufacturing, distributing and using the gas manufactured by them for lighting or heating or cooking purposes, and the electric, galvanic or other artificial light or illuminant manufactured by them, and said steam or 15 motive power.

7. It shall and may be lawful for the directors of the said Reserve Fund.

company, from time to time, to accumulate and set apart out of the net profits of the company, after payment of dividends as authorized by the charter of the company, a rest or reserve 20 or contingent fund which said rest or fund may from time to time be invested by the directors of the company, in bonds, debentures, certificates for the payment of money or other public securities of the Dominion of Canada or of the Province of Ontario, or in the bonds or debentures of any city, county,

25 or township, in Ontario, and which rest, reserve or contingent fund with all interest or accruals therefrom, shall at no time exceed the sum of two hundred thousand dollars and the directors shall from time to time so long as the company remains in operation, use and apply the amount of said rest or

30 fund or any part thereof, for the purpose of providing all necessary renewals and repairs, other than ordinary repairs, wear and tear, of the said company's present works, manufactures, plant and property, and all necessary apparatus and plant required for the manufacture and distribution of elec-

35 tric, galvanic, or other artificial light, or for any improvement in the present works of the company, such improvement tending in the opinion of the directors of the company, to reduce the price of gas and may sell the said investments or any part thereof, or may borrow money by pledging the same or any

40 part thereof, as collateral security for such loan and may use and apply the proceeds of such sale or the amount so borrowed for such purposes as aforesaid. Provided that no por- Proviso. tion of the company's earnings, accruing during any period in which the prices of gas supplied to the consumers thereof by

45 the company for illuminating purposes exceed the present prices, shall be applied to such rest or fund: Provided moreover, that, whilst such reserve, rest, or contingent fund, or any part thereof exists, the same shall be first expended, and made use of for the making or providing of all such renewals and repairs other than ordinary repairs and wear and tear, as

50 aforesaid, and of all such necessary apparatus and plant, and of any such improvement in the works of the company as aforesaid, before any other of the company's earnings or accumulations shall be expended or made use of for any such purpose.

8. The candle power of the illuminating gas to be sup- to exceed plied during the accumulation of any part of said rest or reserve, standard.

Corporations.

9. The said company on the one part and any municipal or Contracts with other public corporation or body on the other may enter into and carry into effect contracts and agreements for one or more years for and with respect to the supply to such corporation or body of said gas, electric light or other illuminant, and such steam or other motive power as aforesaid, and any fittings required therefor and such corporation or body may apply their funds and rates for the purposes of this section. 10

Annual state-ment to be City Council.

10. The company shall, during the month of November in each year give and furnish to the Council of the said City of Toronto an annual statement of its affairs, verified by the oath or statutory declaration of the President and Secretary of the company, showing the gross amount of its earnings, re- 15 ceipts and disbursements and the state of the rest or reserve fund account for and during the twelve calendar months ending with the thirtieth day of September next preceding the said month of November.

An Act to amend the Acts Incorporating and Acts amending the same. the Consumers' Gas Company of Toronto lst Reading, 29th January, 1879. (Reprinted as Amended.) (PRIVATE BILL.) CORONTO: MR. BETHUNE

PRINTED BY HUNTER, ROSE & Co.

th Session, 3rdParliament, 42 Vic., 1879

An Act to incorporate the Ontario Central Railway Company.

WHEREAS M. Butt Hewson, John Hogg, William Preamble. Young, and N. W. Brown have petitioned the Legislature of the Province of Ontario for an Act of incorporation to construct a railway from some point in the 5 Town of Whitby, at or near Port Whitby Harbour, through the Counties of Ontario, York, and Simeoc, or some of them to some point on the Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga River or adjacent thereto on said bay, with power to extend 10 the said railway to Hogg's, Sturgeon, or Matchedash Bays, or any other of the small bays on the Georgian Bay; and whereas it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

15 as follows:-

1. The said parties above mentioned, together with such Incorporation. persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated shall become, and are hereby declared to be, a body corporate Name.

20 and politic by the name of the Ontario Central Railway Company.

2. The several clauses of the Railway Act of Ontario, and the Certain clauses thereof, with respect to "interpretation," "incorporation," powers," "plans and surveys," "lands and their valua. Act incorporation," "highways and bridges," "fences," "tolls," "general porated. meetings," "president and directors, "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "bylaws, notices, etc.," "working of the railway," actions for indemnity and fines and penalties, and their prosecution," and "gen-30 eral provisions," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments thereof; and the expression "this Act, when used herein, shall be understood to 35 include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

3. The company hereby incorporated and their agents or Location of servants shall have full power and authority, under this Act, line. to lay out, construct, and finish an iron railway from some 40 point at or near Port Whitby Harbour, in the Town of Whitby, through the Counties of Ontario, York, and Simcoe, or some of .

them, to some point on Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga River, or adjacent thereto on said bay, with power to extend the same, or to build a branch from some point on said railway to Hogg's, Sturgeon, or Matchedash 5 Bay, or any other of the small bays on the Georgian Bay, between Penetanguishene and Matchedash Bay, and with power to form a junction with the proposed North Simcoe Junction Railway, or the Lake Simcoe Junction Railway, or the Huron Junction R.R. and Quebec, or the Canada Central, or the Canada Pacific 10 Railway, or any of them, and with power to construct the same in sections.

Power to form junction with N. S.

Capital.

4. The capital of the company hereby incorporated shall be three hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided 15 into twelve thousand shares, of twenty-five dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for mak- 20 ing the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion, and working of the said railway, and the purposes of this Act.

Provisional Directors.

5. M. Butt Hewson, John Hogg, N. W. Brown, Robert 25 Bell, Trueman P. White, and John Miller shall be, and are hereby constituted, a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. 30

Powers of provisional directors.

6. The said board of provisional directors shall have full power to open stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel 35 pits; and to receive any grant, loan, bonus or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary direc- 40 tors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and such provisional directors may appoint a committee from their number to open such stock books, giving at least, three weeks' notice in the Ontario Gazette, in one paper 45 published in the Town of Whitby, and some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books and receive such subscriptions; and the said committee, or a majority of them, may in their discretion exclude any person 50 from subscribing, who in their judgment would hinder or delay or embarrass the company in proceeding with their railway.

7. As soon as shares to the amount of fifty thousand dollars First election of the capital stock of the company shall have been subscribed, of directors. and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or so soon as such 5 subscriptions, together with sums granted by municipalities, either by way of bonus or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks in 10 the Province, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in the Town of Whitby and in each of the counties affected, such meeting, and at such general meeting the shareholders

15 and in the Ontario Gazette, of the time, place, and object of present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock

subscribed by them, shall elect six persons to be directors of 20 the said company in manner and qualified as hereinafter directed, which said directors, together with the ex-officio directors under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

S. The sums so paid shall not be withdrawn from the bank Application of except for the purposes of this Act; nor shall the debentures moneys deso deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the rail-30 way company in relation thereto.

9. The directors for the time being may from time to time Calls. make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' 35 notice shall be given of each call as provided in section seven.

10. Thereafter the general annual meeting of the share- Annual meetholders of the said company shall be held in such place in the ing. Town of Whitby, or Village of Newmarket, and on such days, 40 and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the Ontario Gazette, and once a week in a newspaper published in the Town of Whitby, and in some one newspaper in each of the counties which have granted 45 bonuses or subscribed for stock.

- 11. Special general meetings of the shareholders of the said Special meetcompany may be held at such places in the Town of Whitby, ings. or the Villages of Newmarket, Aurora, or Bradford, and at such times and in such manner, and for such purposes as may 50 be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.
 - 12. In the election of directors under this Act, no person Qualifications shall be elected unless he shall be the holder and owner of at of directors.

least twenty shares of the stock of the said company, upon which all calls have been paid up.

Aliens may be shareholders.

13. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on 5 their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Quorum.

14. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, six directors shall form a quorum for the transaction of business; 10 and directors may at any meeting of the board vote by proxy, provided at least four directors are personally present at such meeting, and the said board of directors may employ one of their number as paid director.

Aid to company.

15. The said company may receive from any government, 15 or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such 20 terms and conditions as may be agreed upon.

Aid from municipalities.

16. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or 25 be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained, which are to be taken as appliable thereto, instead of sections four hundred and seventy-two and 30 four hundred and seventy-three and four hundred and seventyfour of the Municipal Act: Provided always, that no such aid shall be given, except after the passing of a bylaw for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of munici- 35 pality (as the case may be), as provided in the Municipal Act for the creation of debts.

Proviso.

17. Such by-laws shall be submitted by the municipal submitting by council to the vote of the ratepayers in manner following, namely:-

Manner of law to ratepayers.

- 1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned 45 for, and submit the same for the approval of the qualified voters;
- 2. In case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipali- 50 ties of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sec-5 tions of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by 10 metes and bounds, and shall be that of a majority of each of

- the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.
- 18. Where a portion of the county municipality petitions to Aid from part aid the railway, it shall be such portion only as shall consist of a county. of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipali-
- 20 ties and sections thereof shall be contiguous, but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed 25 by-law.

19. In case of aid from a county municipality, or from a Certain objecgrouped portion thereof, twenty resident freeholders of the tions to by county or portion comprised in the proposed by-law (as the ferred to case may be) may petition the county against submitting the arbitration. 30 said by-law, upon the ground that certain minor municipali-

ties or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to de-

35 fray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of

40 the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the

- 45 railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then the railway company or the county, as the arbitrators may order.
- 20. In the case of a portion of the county municipality Aid from por-being formed into a group, the by-law to be submitted shall counties. be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon shall be assessed and levied upon such portions only of the

county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Deposit before submis-

21. Before any such by-law is submitted, the railway comsion of by-law. pany shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting 5 said by-law.

Meaning of "Minor

22. The term "minor municipality" shall be construed to "Minor Municipality" mean any town not separated from the municipality, county, township, or incorporated village situate in the county munici-

Rate not to exceed three cents on the dollar.

23. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor 15 municipalities or sections affected thereby, but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section may exceed the two cents in the dollar limited by the Municipal Act.

Provisions of by-law.

24. Such by-law shall in each instance provide:—

20 1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be), mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for delivery of the said debentures, or the application of 25 the amount to be raised thereby, as may be expressed in the

said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be), an 30 annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warders, reeves, and other officers 35 thereof are hereby authorized to execute and issue in such cases respectively; Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company, or loaned thereon, the council of the municipality holding such stock or bonds may 40 sell or dispose of the same or any part thereof, and shall in such case, apply the moneys received therefor in payment of the said debentures and interest.

New by-law not to be sub-mitted until after six months.

25. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted 45 to the voters of same municipality, or portion of the county municipality, until after the expiration of six months from such rejection.

Council to pass by-law.

26. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four 50 weeks after the date of such voting, the municipal council

which submitted the same shall read the by-law a third time and pass the same.

27. Within one month after the passing of such by-law the Issue of said council, and the warden, reeve, or other officers thereof Debentures. 5 shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

28. The corporation of any county municipality shall be at Exchange of liberty to take the debentures issued by any township in aid debentures. 10 of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against 15 any rate or liability in respect to said debentures.

29. Whenever any municipality or portion of a county Trustees of municipality shall grant aid by way of bonus or gift to the debentures. railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be 20 delivered to three trustees to be named, one by the Lieutenant Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided, that if the said council shall refuse or 25 neglect to name such trustee, or if the Lieutenant Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be re-30 moved and a new trustee appointed in his place at any time, by the Lieutenant Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new 35 trustee may be appointed by the Lieutenant Governor in Council, with the consent of the said company.

30. The said trustees shall receive the said debentures or Trusts of debonds in trust: firstly, under the direction of the company, to bentures. convert the same into money; secondly, to deposit the 40 amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The Ontario Central Railway Municipal Trust Account," and to pay the

same out to the said company from time to time, on the certificate of the chief engineer of the said railway in the form 45 set out in schedule "A." hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the

50 said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor, provided that after the first payment on account of the said the Ontario Central Railway Municipal Trust Account, no other shall be made until at least ninety per centum of the next preceding payment shall have been declared by an auditor selected for the purpose by the municipalities contributing to the said trust, to have been shewn by pay-rolls and other 5 vouchers to have been expended on work or materials or both in the construction or equipment of the railway.

Fees to Trustees.

31. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had 10 agreed.

Certain Municipalities to name direc-

32. Any municipality which shall grant a bonus of not less than seventy-five thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; 15 and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents. 20

Municipality empowered

33. Any municipality through which the said railway may to grant lands, pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and 25 the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption from taxation.

34. It shall further be lawful for the council of any munici- 30 pality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise, in 35 gross or by way of commutation or composition for payment, in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient; not exceeding twenty-one years; and any such by-law shall not be re- 40 pealed unless in conformity with a condition contained therein.

Extension of time for completion of works.

35. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the comple- 45 tion of the works, on the completion of which the said company would be entitled to such bonuses.

Expense of submitting by-law.

36. It shall be lawful for the council of any township or county municipality interested in the said railway and its extension branches, or any of them, and without comply- 50 ing with the requirements of any Act providing for the crea-

tion of debts by municipal corporations on behalf of such municipalities, or any of them, to bear all or any part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a 5 bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always, that no one such bonus shall exceed five thousand dollars.

37. Whenever any municipality, or portion of a munici- Expenditure 10 pality, shall aid, loan, guarantee, or give money or bonds by way of moneys in of bonus to aid the making, equipment and completion of said pality grantextension and branches, or any part or parts thereof, it shall be ing same. lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the 15 whole of such aid so given, upon works of construction within the limits of the municipality granting the same.

38. The directors of the said company, after the sanction of Issue of bonds. the shareholders shall have been first obtained at a special general meeting to be called from time to time for such purpose, 20 shall have power to issue bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal convey-25 ance, be taken and considered to be, the first and preferential claims and charges upon the undertaking and the property of the company, real and personal then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all 30 the other holders thereof upon the undertaking and the property of the said company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed one half the whole amount of the actual money expended on the railway and the equivalent in money of the par value of 35 such second mortgage bonds as the company may have issued in payment for lands, labour, material, or supplies, the said second mortgage bonds to bear interest at the rate of six per centum per annum from and after the expiration of five years from their date, unless called in previously by the company 40 and converted at par by a new issue of stock in addition to the issue at the time outstanding; the amount of the stock so outstanding not to exceed at its par value the aggregate amount of stock actually paid up, and of the moneys expended as shown by the auditor's certificates from municipal bonuses 45 on the works, plant, or other property of the company.

39. The said company shall have power and authority to Powers as to become parties to promissory notes and bills of exchange, and promissory notes, etc. any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and 50 countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case 53 - 3

shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the president, or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and 5 authority of the directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Right to acquire lands and gravel pits. 40. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a 15 more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as 20 they may deem expedient.

Compensation for stone, gravel, etc.

41. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate 25 for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same 30 effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and 35 the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the 40 right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

42. When said gravel, stone, or other material shall be taken under the preceding section of this Act at a distance 45 from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating 50 to the said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right

may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of 5 repairing or maintaining the said railway.

43. The railway shall be commenced within three years, Commencement and and completed to the extent of a through connection with the completion. waters of the Georgian Bay aforesaid, within five years, and finally completed within seven years after the passing of this 10 Act.

44. The company incorporated by this Act may enter into Agreements with other any arrangement with any other railway company or com- with other companies. panies for the working of the said railway on such terms and conditions as the directors of the several companies may agree 15 on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property, from such companies or persons, and generally to make any agreement or agreements with any other company touch-20 ing the use by one or the other, or by both companies, of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms 25 and tenor thereof, provided that the assent of at least two thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement 30 for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line.

45. The said company hereby incorporated may, from time Appointment to time, for advances of money to be made thereon, mortgage of agents. 35 or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

46. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the 40 City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names 45 of the transferees, in the same manner as shares may be transferred in the former office, and vice versa: and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London, or at the 50 New York office, and scrip certificates be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued, to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the 5 company in this Province.

Transfer of shares.

47. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are sur-10 rendered to the company or the surrender thereof dispensed with by the company.

Transfers made abroad.

48. Whenever any transfer shall be made in England, or the United States, of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the 15 agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to 20 the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Pro- 25 vince as elsewhere, and as to the closing of the register of transfer for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

Form of conveyance.

49. Conveyances of lands to the said company for the purpose of, and powers given by, this Act, made in the form set out in the schedule "C" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient 35 bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, 40 including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build warehouses, &c. 50. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found 45 superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic.

Municipalities may subscribe or stock.

51. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or the Municipal Act.

- 52. For purpose of constructing, working and protecting Telegraph the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.
- 53. The gauge of the said railway shall be four feet eight Gauge. 10 and one half inches.
- 54. The said company shall have full power and authority Construction to expend money in the construction of such docks as they may require, into the waters of Port Whitby Harbour, on the conditions set forth in the Order-in-Council by which the late 15 Government of Canada sold the said harbour to the Port Whitby Harbour Company.
- 55. In case the conditions upon which any municipality Extension of grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, 20 may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

SCHEDULE A.

(Section 30.)

CHIEF ENGINEER'S CERTIFICATE.

Ontario Central Railway Company's Office, Engineer's Department, A.D. 18

No.

Certificate to be attached to cheques drawn on the Ontario chedule. Central Railway Municipal Trust Account.

I, chief engineer of the Ontario Central Railway Company, do hereby certify that the sum of is required to be expended in the construction of the portion of the line extending from mile number to mile number and that payment should be made to the company of such amount from the municipal trust account, the same being in pursuance of the terms and conditions of the by-law of the municipality of the

SCHEDULE B.

(Section 30.)

I, auditor under section thirty of the Act entitled An Act to incorporate the Ontario Central Railway Company, do hereby certify that I have examined the pay rolls 53—4

and other vouchers shewing the expenditures upon the works or plant or other property of the said company, made out of the payments from the Ontario Central Railway Trust, on the day of 18 and that the said pay rolls and other vouchers representing an aggregate of the amount actually expended on the works, plant and other property of the company out of the said payments from the said trust exceeds the proportion of ninety per cent. of that payment.

SCHEDULE C.

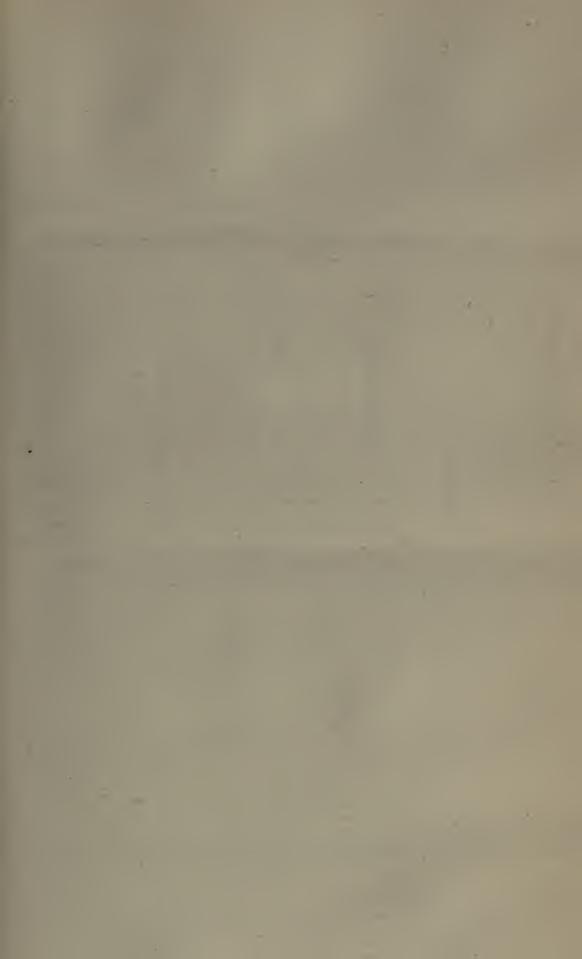
(Section 50.)

Know all men by these presents, that I, (or we) (insert the names of the vendors) in consideration of dollars paid to me (or us) by the Ontario Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we) (insert the names of any other party or parties) in consideration of dollars paid me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels) (as the case may be) of land situated (describe the lands) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Ontario Central Railway Company, their successors and assigns, (here insert any other clauses, covenants or conditions required,) and I, (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands;

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of

[L.S.]



4th Session, 3rd Parliament, 42 Vic., 1879.

THI

An Act to incorporate the Ontario Central Railway Company.

1st Reading,

1879.

PRIVATE BILL.

Mr. BROWN.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Ontario Central Railway Company.

WHEREAS M. Butt Hewson, John Hogg, William Preamble. Young, Charles Cameron, T. P. White, John Miller, and N. W. Brown have petitioned for an Act of incorporation to construct a railway from some point in the 5 Town of Whitby, at or near Port Whitby Harbour, through the Counties of Ontario, York, and Simcoe, or some of them to some point on the Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga River or adjacent thereto on said bay, and whereas it is ex-10 pedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

1. The said parties above mentioned, together with such Incorporation. 15 persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated shall become, and are hereby declared to be, a body corporate Name. and politic by the name of the Ontario Central Railway Company.

20 2. The several clauses of the Railway Act of Ontario, and the Certain clauses thereof, with respect to "interpretation," "incorporation Railway tion," powers," "plans and surveys," "lands and their valua-Act incortion," "highways and bridges," "fences," "tolls," "general porated meetings," "president and directors, "calls," "shareholders," "municipalities taking stock," "by-

laws, notices, etc.," " working of the railway," actions for indemnity and fines and penalties, and their prosecution," and "general provisions," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to 30 the railway to be constructed by them, except so far as they

may be inconsistent with the enactments thereof; and the expression "this Act, when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

3. The company hereby incorporated and their agents or Location of line. servants shall have full power and authority, under this Act, to lay out, construct, and finish an iron railway from some point at or near Port Whitby Harbour, in the Town of Whitby, through the Counties of Ontario, York, and Sincoe, or some of 40 them, to some point on Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the

Nottawasaga River, or adjacent thereto on said bay, and with power to construct the same in sections.

Capital.

4. The capital of the company hereby incorporated shall be one hundred and fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into six thousand shares, of twenty-five dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for makling the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion, and working of the said railway, and the purposes of this Act.

Provisional Directors.

5. M. Butt Hewson, John Hogg, N. W. Brown, Robert 15 Bell, Trueman P. White, and John Miller shall be, and are hereby constituted, a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

6. The said board of provisional directors shall have full power to open stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel 25 pits; and to receive any grant, loan, bonus or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary direc- 30 tors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and such provisional directors may appoint a committee from their number to open such stock books, giving at least, three weeks' notice in the Ontario Gazette, in one paper 35 published in the Town of Whitby, and some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books and receive such subscriptions; and the said committee, or a majority of them, may in their discretion exclude any person 40 from subscribing, who in their judgment would hinder or delay or embarrass the company in proceeding with their railway.

First election of directors.

7. As soon as shares to the amount of fifty thousand dollars of the capital stock of the company shall have been subscribed, 45 and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or so soon as such subscriptions, together with sums granted by municipalities, either by way of bonus or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and 50 the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks in the Province, the provisional directors or a majority of them

present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in the Town of Whitby and in each of the counties affected, 5 and in the Ontario Gazette, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of 10 the said company in manner and qualified as hereinafter directed, which said directors, together with the ex-officio directors under the Railway Act, or this Act, shall constitute aboard of directors, and shall hold office until the first Monday in May, in the year following their election.

S. The sums so paid shall not be withdrawn from the bank Application of except for the purposes of this Act; nor shall the debentures moneys deso deposited be otherwise applied than to the purposes of the posited. railway as defined in the by-law or agreement between the 20 municipality or municipalities granting the same and the railway company in relation thereto.

- 9. The directors for the time being may from time to time Calls. make calls as they shall think fit, provided that no ealls shall be made at any one time of more than ten per centum of the 25 amount subscribed by each shareholder, and thirty days' notice shall be given of each eall as provided in section
- 10. Thereafter the general annual meeting of the share- Annual meetholders of the said company shall be held in such place in the ing. 30 Town of Whitby, or Villages of Newmarket, Aurora or Bradford, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the Ontario Gazette, and once a week in a newspaper published in the Town 35 of Whitby, and in some one newspaper in each of the counties which have granted bonuses or subscribed for stock.

11. Special general meetings of the shareholders of the said Special meetcompany may be held at such places in the Town of Whitby, ings. or the Villages of Newmarket, Aurora, or Bradford, and at 40 such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

12. In the election of directors under this Act, no person Qualifications shall be elected unless he shall be the holder and owner of at of directors. 45 least forty shares of the stock of the said company, upon which all calls have been paid up.

13. Aliens, as well as British subjects, and whether resident Aliens may be in this Province or elsewhere, may be shareholders in the said shareholders. company, and all such shareholders shall be entitled to vote on 50 their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Quorum.

14. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and directors may at any meeting of the board vote by proxy, provided at least four directors are personally present at such 5 meeting, and the said board of directors may employ one of their number as paid director.

Aid to company.

15. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards 10 the construction, equipment, or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

16. It shall be lawful for any municipality, or any por- 15

Aid from mu nicipalities.

tion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money 20 by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township munici- 25 pality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act 30 for the creation of debts.

Proviso.

Petitions for aid by county municipality.

17. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal 35 Act.

Petitions for aid by other than county municipality.

18. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality, and 40 in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, intro- 45 duce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid, in any portion of the said township. municipality, do petition the council of the said municipality 50 to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the

construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, intro-5 duce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality;

1. For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of deben-10 tures of the municipality payable in twenty years or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition;

2. For assessing and levying upon all the ratable property 15 lying within the section defined by said petition, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

- 20 19. And in case such by-law be approved or carried by the Council to majority of the votes given thereon, then within one month pass by-law. after the date of such voting, the said council shall read the said by-law a third time and pass the same.
- 20. Within one month after the passing of such by-law, When debended the said council and the warden, mayor, reeve, or other head tures to be thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.
- 21. In case any bonus be so granted by a portion of a muni-Rate assessed 30 cipality the rate to be levied for payment of the debentures is-on portion of sued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.
- 22. The provisions of the Municipal Act, so far as the same Municipal Act are not inconsistent with this Act, shall apply to any by-law to apply.

 35 so passed by or for a portion of the municipality to the same extent as if the same had been passed by or for the whole municipality.
- 23. All by-laws to be submitted to such vote for granting Rate not to bonuses to the said company not requiring the levy of a greater exceed three three cents on the dollar of the ratable property affected thereby, shall be valid.
- 24. It shall be lawful for the corporation of any munici-Exemption pality through any part of which the railway of the said comfrom taxation 45 pany passes or is situate by by-law specially passed for that purpose to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for

such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exchange of debentures.

25. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect to said debentures.

Trustees of debentures.

26. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant 15 Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant Governor in 20 Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, 25 by the Lieutenant Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant Governor in 30 Council, with the consent of the said company.

Trusts of debentures.

27. The said trustees shall receive the said debentures or bonds in trust: firstly, under the instructions of the directors of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the char- 35 tered banks having an office in this Province, in the name of "The Ontario Central Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway in the form set out in schedule "A." hereto, or to the like effect, setting 40 out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant 45 any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor, provided that after the first payment on account of the said the Ontario Central Railway Municipal Trust Account, no other shall be made until at least ninety per centum of the 50 next preceding payment shall have been declared by an auditor selected for the purpose by the municipalities contributing to the said trust, to have been shewn by pay-rolls and other

vouchers to have been expended on work or materials or both in the construction or equipment of the railway.

- 28. The trustees shall be entitled to their reasonable fees Fees to Trusand charges from said trust fund, and the act of any two of tees. 5 such trustees shall be as valid and binding as if the three had agreed.
- 29. Any municipality which shall grant a bonus of not less Certain Munithan seventy-five thousand dollars in aid of the said company, cipalities to may stipulate that it shall be entitled to name a director in tors. 10 the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed 15 by the municipality which he represents.

30. Any municipality through which the said railway may Municipality pass is empowered to grant by way of gift to the said company to grant lands. any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes 20 connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

31. It shall and may be lawful for the council of any Extension of municipality that may grant a bonus to the company, and they time for completion of shall have full power to extend the time for the comple-works. tion of the works, on the completion of which the said company would be entitled to such bonuses.

30 32. It shall be lawful for the council of any town-Expense of ship or county municipality interested in the said railway and submitting by-law. its extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such 35 municipalities, or any of them, to bear all or any part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Pro-45 vided always, that no one such bonus shall exceed five thousand dollars.

33. The directors of the said company, after the sanction of Issue of bonds. the shareholders shall have been first obtained at a special general meeting to be called from time to time for such purpose, 45 shall have power to issue bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal convey-50 ance be taken and considered to be, the first and preferential claims and charges upon the undertaking and the real

property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and property 5 of the said company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed one half the whole amount of the actual money expended on the railway and the equivalent in money of the par value of such second mortgage bonds as the company may have issued 10 in payment for lands, labour, material, or supplies, the said second mortgage bonds to bear interest at the rate of six per centum per annum from and after the expiration of five years from their date, unless called in previously by the company and converted at par by a new issue of stock in addition to 15 the issue at the time outstanding; the amount of the stock so outstanding not to exceed at its par value the aggregate amount of stock actually paid up, and of the moneys expended as shown by the auditor's certificates from municipal bonuses on the works, plant, or other property of the company.

Powers as to promissory notes, etc.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under 25 the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company 30 affixed to such promissory note or bill of exchange, or shall the president, or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sauction and authority of the directors as herein provided and enacted; 35 Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Right to acquire lands and gravel pits. 35. Whenever it shall be necessary for the purpose of 40 procuring sufficient lands for stations or gravel pits for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by pur-45 chasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient.

Compensation for stone, gravel, etc.

36. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate

for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, 5 the award and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of 10 money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple 15 in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

37. When said gravel, stone, or other material shall be Sidings to 20 taken under the preceding section of this Act at a distance gravel pits, from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the 25 provisions of the Railway Act and of the special Acts relating to the said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right 30 may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing or maintaining the said railway.

38. The railway shall be commenced within three years, Commenceand completed to the extent of a through connection with the ment and waters of the Georgian Bay aforesaid, within five years, and finally completed within seven years after the passing of this

39. The company incorporated by this Act may enter into Agreements any arrangement with any other railway company or com-with other panies for the working of the said railway on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or com-45 panies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property, from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the 50 railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two 53 - 2

thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work 5 the said railway in the same manner and in all respects as if incorporated with its own line.

Appointment of agents.

- 40. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this 10 Act, issue for the construction of the railway or otherwise.
- 41. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, with power to 15 pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees, in the same manner as shares may be trans- 20 ferred in the former office, and vice versa: and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and 25 the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued, to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Pro- 30 vince, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Transfer of * shares.

42. Shares in the capital stock of the company may be 35 transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Transfers made abroad.

43. Whenever any transfer shall be made in England, or the United States, of any share of stock of the company, the delivery of the transfer and stock or serip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the 45 transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the direc-50 tors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Pro-

vince as elsewhere, and as to the closing of the register of transfer for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or mo-5 diffied by this Act, shall be valid and binding.

- 41. Conveyances of lands to the said company for the pur-Form of conpose of, and powers given by, this Act, made in the form set veyance. out in the schedule "C" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their suctocessors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to 15 demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.
- 45. The company shall have full power to purchase land for Power to and erect warehouses, elevators, docks, stations, workshops and build warehouses, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate 25 the carriage of passengers, freight and other traffic, in connection with the railway.

46. Nothing in this Act shall prevent any municipality Municipalities from subscribing for stock of the company, pursuant to the may subscribe Railway Act or the Municipal Act.

- 47. For purpose of constructing, working and protecting Telegraph the telegraph lines constructed by the company under this Act lines. on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other prosisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.
 - 48. The gauge of the said railway shall be four feet eight Gauge. and one half inches.
- 49. In case the conditions upon which any municipality Extension of grants aid to the said company be not fully complied with in time. the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

SCHEDULE A.

(Section 27.)

CHIEF ENGINEER'S CERTIFICATE.

chedule.

Ontario Central Railway Company's Office, Engineer's Department, A.D. 18

No.

Certificate to be attached to cheques drawn on the Ontario Central Railway Municipal Trust Account.

I, chief engineer of the Ontario Central Railway Company, do hereby certify that the sum of sis required to be expended in the construction of the portion of the line extending from mile number to mile number and that payment should be made to the company of such amount from the municipal trust account, the same being in pursuance of the terms and conditions of the by-law of the municipality of the

SCHEDULE B.

(Section 27.)

I, auditor under section twenty-seven of the Act entitled An Act to incorporate the Ontario Central Railway Company, do hereby certify that I have examined the pay rolls and other vouchers shewing the expenditures upon the works or plant or other property of the said company, made out of the payments from the Ontario Central Railway Trust, on the day of 18 and that the said pay rolls and other vouchers representing an aggregate of the amount actually expended on the works, plant and other property of the company out of the said payments from the said trust exceeds the proportion of ninety per cent. of that payment.

SCHEDULE C.

(Section 44.)

Know all men by these presents, that I, (or we) (insert the names of the vendors) in consideration of dollars paid to me (or us) by the Ontario Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we) (insert the names of any other party or parties) in consideration of dollars paid me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels) (as the case may be) of land situated (describe the lands) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Ontario Central Railway Company, their successors and assigns, (here insert any other clauses, covenants or conditions required,) and I, (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands;

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of

[L.S.]

53-3

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to incorporate the Ontario Central Railway Company.

(Reprinted as Amended.)

1st Reading, 29th January, 1879.

PRIVATE BILL.

Mr. Brown,

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the sale of certain lands in the Village of London East, heretofore known as the Methodist Cemetery.

HEREAS Murray Anderson, William McBride, Samuel Preamble. McBride, Samuel Peters and John Elson, of the City of London, in the County of Middlesex, and Province of Ontario, have, by their petition, set forth that the lands and pre-5 mises hereinafter more particularly described, to wit: all and singular that certain piece or parcel of land situate, lying and being in the Township of London, in the County of Middlesex, of the Province of Ontario, containing by admeasurement six acres and nine perches, be the same more or less; being 10 composed of part of the north half of lot number eleven in eoncession C, in the said Township of London, and is butted and bounded or may be otherwise known as follows, that is to say: Commencing where a stone monument has been planted at the northern limit of land owned by the Great Western 15 Railway Company, and in the limit between lots number eleven and twelve, as agreed upon by the owners and representatives of the said lots, which agreement has been duly recorded in the office of the Registrar for the County of Middlesex, and is to the effect that a straight line connecting the 20 limits between the two fronts of the said lots in the said concession C, shall be taken as the true division line between the said lots; then north seventeen degrees and fifty-seven minutes, west along the said western limit of lot number eleven, and in the eastern limit of an allowance of one chain in width, laid 25 out for a public road or street from the front of said lot number twelve upon the eastern limit thereof, four chains and forty-nine links to where a stone monument has been planted at the southern limit of an allowance of one chain in width, for a public road or street along the southern boundary of St. 30 Paul's Church Cemetery; then north sixty-eight degrees and twenty-seven minutes, east along the southern limit of the said allowance for road or street, nine chains and twenty-five and a half links to a stone monument; then south twenty degrees and fifty-two minutes, east, true bearing, eight chains and 35 forty-six links, more or less, to where a stone monument has been planted at the northern limit of the said land owned by the Great Western Railway Company; then north, eightyeight degrees and thirty minutes, west, along the limit of the said land of the Great Western Railway Company, ten chains 40 and twenty-two and a-half links, more or less, to the place of beginning; were, by deed bearing date the twelfth day of

October, in the year of our Lord one thousand eight hundred

and fifty-four, granted to them and one George Tyas and one Samuel Glass (both since deceased) as trustees of the London Congregation of the Wesleyan Methodist Church in Canada, in connection with the English Conference (now called the Methodist Church of Canada) and to their successors, to be appointed as specified in a certain deed bearing date the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and fifty, and made between Joseph Bloor, of the Village of Yorkville, in the County of York, Gentleman, of the first part, Sarah Bloor, wife of the said party of the first 10 part, of the second part, and the trustees of the Yorkville Congregation of the Wesleyan Methodist Church in Canada, of the third part, and registered in the registry office of the County of York, at twelve of the clock at noon of the twenty-fifth day of May, one thousand eight hundred and fifty, and inserted in 15 the Book of Discipline of the said Wesleyan Methodist Church, in Canada, in connection with the English Conference, published by the Reverend Anson Green, at Toronto, in the year first mentioned in said deed, upon such and the same trust, and to and for such and the same uses and purposes, and with, under, 20 and subject to such and the same powers, and to be controlled, disposed of and managed by the like authorities, trustees and persons appointed and to be appointed, and with the same duties and powers as are expressed, contained and declared in and by the said last mentioned deed; and that the said land 25 and premises were set apart and used for the purposes of a cemetery or burying ground, known as the Methodist Cemetery, and a number of interments made therein; and that by reason of the erection of manufactories and workshops in close proximity to the said lands, and the increase of the number of 30 dwellings and inhabitants in the vicinity, the same became unfit for the purposes of a burying ground, and no interments have taken place therein for about the period of four years; and that the said trustees having made arrangements with the Mount Pleasant Cemetery Company for burial plots in the 35 cemetery established in the Township of London by the said company, which was incorporated under the laws of this Province, nearly all the bodies which had been interred in the burying ground first above mentioned have been removed, and there now remain but a few bodies interred therein, whose 40 friends or relatives are known to the said trustees, and some having no friends or relatives, or having none that can be found, and that the purchase of said plots in said Mount Pleasant Cemetery has entailed a large outlay on the said trustees; and have prayed that an Act may be passed authorizing the re- 45 moval by the trustees of the bodies interred in said burying ground and the sale of the said lands so granted to them as aforesaid; and whereas it is expedient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent 50

of the Legislative Assembly of the Province of Ontario, enacts

as follows:

Remains of dead may be removed.

1. The said trustees and their successors shall have full power and authority forthwith, after giving notice as hereinafter required to remove of their own accord, and without any 55 further notice to the friends or relatives of the dead, all the

remains of the dead now interred in the lands and property above described, from the said place of interment to the Mount Pleasant Cemetery aforesaid, and the remains of the dead so removed in pursuance of the powers in this section granted, 5 shall be reinterred at the expense of the said trustees, in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

2. The said trustees, before removing the remains of the Notice of dead, as in the last preceding section authorized, shall during removal. 10 the period of two months, publish a notice once a week in the Ontario Gazette, and in one newspaper published in the City of London, which said notice shall set forth the powers in the said last preceding section granted, and that parties owning burial lots in the said premises known as the Methodist Ceme-

15 tery, upon removing the said remains to the Mount Pleasant Cemetery, will receive conveyances of burying plots in the last named cemetery, corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed; and the said trustees shall be required to 20 procure and furnish such conveyances.

3. So soon as all the bodies, which are now interred in Power'to lease the said burying ground first above mentioned, are removed as or sell lands. provided for above, the said trustees and their successors shall be, and they are hereby authorized to lease for any term of 25 years, or to sell and convey in fee simple, or for any lesser estate, the whole of the lands and premises so granted to the said trustees as aforesaid, and particularly described above, either together or in parcels, in such manner, for such prices, aud upon such terms and conditions as may be deemed best by 30 the said trustees, and they are authorized to so lease or sell and convey, as aforesaid, the said lands free and discharged of and from all right, title, interest. claim and demand of any person or persons who may have purchased lots for burial purposes in said parcel of land, or of their representatives; and the lots to be conveyed to such persons in the said Mount 35 Pleasant Cemetery shall be accepted by the said persons in lieu of the lots purchased by them in the said burying ground first above mentioned, and in lieu of all right, title, interest,

4. The said trustees shall not exercise the power to lease or sell, Consent of 40 granted to them by the last preceding section, until after they be obtained. have obtained the consent or authority of the Annual Conference of the Methodist Church of Canada, within the bounds of which the said lands are situate.

claim or demand they may have in respect thereof.

5. Should the said trustees sell the said lands or any parts Trustees may 45 thereof, and grant time for the payment of the purchase-money accept mort-or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants 50 and power of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act to authorize the sale of certain lands in the Village of London East, heretofore known as the Methodist Cemetery.

1st Reading,

1879.

(PRIVATE BILL.)

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the sale of certain lands in the Village of London East, heretofore known as the Methodist Cemetery.

HEREAS Murray Anderson, William McBride, Samuel Preamble McBride, Samuel Peters and John Elson, of the City of London, in the County of Middlesex, and Province of On-5 tario, have, by their petition, set forth that the lands and premises hereinafter more particularly described, to wit: all and singular that certain piece or parcel of land situate, lying and being in the Township of London, in the County of Middlesex, of the Province of Ontario, containing by admeasurement 10 six acres and nine perches, be the same more or less; being composed of part of the north half of lot number eleven in concession C, in the said Township of London, and is butted and bounded or may be otherwise known as follows, that is to say: Commencing where a stone monument has been planted 15 at the northern limit of land owned by the Great Western Railway Company, and in the limit between lots number eleven and twelve, as agreed upon by the owners and representatives of the said lots, which agreement has been duly recorded in the office of the Registrar for the County of Middle-20 sex, and is to the effect that a straight line connecting the limits between the two fronts of the said lots in the said concession C, shall be taken as the true division line between the said lots; then north seventeen degrees and fifty-seven minutes, west along the said western limit of lot number eleven, and in 25 the eastern limit of an allowance of one chain in width, laid out for a public road or street from the front of said lot number twelve upon the eastern limit thereof, four chains and forty-nine links to where a stone monument has been planted at the southern limit of an allowance of one chain in width, 30 for a public road or street along the southern boundary of St. Paul's Church Cemetery; then north sixty-eight degrees and twenty-seven minutes, east along the southern limit of the said allowance for road or street, nine chains and twenty-five and a half links to a stone monument; then south twenty de-35 grees and fifty-two minutes, east, true bearing, eight chains and forty-six links, more or less, to where a stone monument has been planted at the northern limit of the said land owned by the Great Western Railway Company; then north, eightyeight degrees and thirty minutes, west, along the limit of the 40 said land of the Great Western Railway Company, ten chains and twenty-two and a-half links, more or less, to the place of beginning; were, by deed bearing date the twelfth day of October, in the year of our Lord one thousand eight hundred

and fifty-four, granted to them and one George Tyas and one Samuel Glass (both since deceased) as trustees of the London Congregation of the Wesleyan Methodist Church in Canada, in connection with the English Conference (now called the Methodist Church of Canada) and to their successors, to be 5 appointed as specified in a certain deed bearing date the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and fitty, and made between Joseph Bloor, of the Village of Yorkville, in the County of York, Gentleman, of the first part, Sarah Bloor, wife of the said party of the first 10 part, of the second part, and the trustees of the Yorkville Congregation of the Wesleyan Methodist Church in Canada, of the third part, and registered in the registry office of the County of York, at twelve of the clock at noon of the twenty-fifth day of May, one thousand eight hundred and fifty, and inserted in 15 the Book of Discipline of the said Wesleyan Methodist Church, in Canada, in connection with the English Conference, published by the Reverend Anson Green, at Toronto, in the year first mentioned in said deed, upon such and the same trust, and to and for such and the same uses and purposes, and with, under, 20 and subject to such and the same powers, and to be controlled, disposed of and managed by the like authorities, trustees and persons appointed and to be appointed, and with the same duties and powers as are expressed, contained and declared in and by the said last mentioned deed; and that the said land 25 and premises were set apart and used for the purposes of a cemetery or burying ground, known as the Methodist Cemetery, and a number of interments made therein; and that by reason of the erection of manufactories and workshops in close proximity to the said lands, and the increase of the number of 30 dwellings and inhabitants in the vicinity, the same became unfit for the purposes of a burying ground, and no interments have taken place therein for about the period of four years; and that the said trustees having made arrangements with the Mount Pleasant Cemetery Company for burial plots in the 35 cemetery established in the Township of London by the said company, which was incorporated under the laws of this Province, nearly all the bodies which had been interred in the burying ground first above mentioned have been removed, and there now remain but a few bodies interred therein, whose 40 friends or relatives are known to the said trustees, and some having no friends or relatives, or having none that can be found, and that the purchase of said plots in said Mount Pleasant Cemetery has entailed a large outlay on the said trustees; and whereas on the thirteenth day of November, one thousand 45 eight hundred and seventy-three, the then trustees of the said London Congregation sold and conveyed a portion of the said lands to the Great Western Railway Company and duly received the purchase money thereof, and the trustees have prayed that an Act may be passed authorizing the removal by 50 the trustees of the bodies interred in the said burying ground, confirming the said sale already made, and authorizing the sale of the remainder of said lands so granted to them as aforesaid; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said trustees and their successors shall have full Remains of power and authority forthwith, after giving notice as herein-dead may be removed. 5 after required to remove of their own accord, and at their own expense, and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in the lands and property above described, from the said place of interment to the Mount Pleasant Cemetery aforesaid, and the 10 remains of the dead so removed in pursuance of the powers in this section granted, shall be reinterred at the expense of the said trustees, in burial places or plots corresponding in size as nearly as may be with those from which such remains shall

have been removed.

30 Pleasant Cemetery.

2. The said trustees, before removing the remains of the Notice of dead, as in the last preceding section authorized, shall during removal. the period of two months, publish a notice once a week in the Ontario Gazette, and in one newspaper pubished in the City of London, which said notice shall set forth the powers in the 20 said last preceding section granted, and that parties owning burial lots in the said premises known as the Methodist Cemetery, upon removing the said remains to the Mount Pleasant Cemetery, will receive conveyances of burying plots in the last named cemetery, corresponding in size, as nearly as may be, 25 with those lots from which the remains of the dead shall have been so removed; and the said trustees shall be required to procure and furnish such conveyances, and to pay all reasonable expenses incurred or sustained in or by reason of such removal and the reinterment of said remains in said Mount

3. So soon as all the bodies, which are now interred in Power to lease

the said burying ground first above mentioned, are removed as or sell lands. provided for above, the said trustees and their successors shall be, and they are hereby authorized to lease for any term of 35 years, or to sell and convey in fee simple, or for any lesser estate, the whole of the lands and premises so granted to the said trustees as aforesaid, and particularly described above, save and except the portion thereof described in the sixth section of this Act, either together or in parcels, in such manner, for such prices, 40 and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease or sell and convey, as aforesaid, the said lands free and discharged of and from all right, title, interest. claim and demand of any person or persons who may have purchased lots for burial pur-45 poses in said parcel of land, or of their representatives; and the lots to be conveyed to such persons in the said Mount Pleasant Cemetery shall be accepted by the said persons in lieu of the lots purchased by them in the said burying ground first above mentioned, and in lieu of all right, title, interest, 50 claim or demand they may have in respect thereof.

4. The said trustees shall not exercise the power to lease or sell, Consent of granted to them by the last preceding section, until after they Conference to have obtained the consent or authority of the Annual (1) have obtained the consent or authority of the Annual Con-

ference of the Methodist Church of Canada, within the bounds of which the said lands are situate.

Trustees may accept mortgages.

5. Should the said trustees sell the said lands or any parts thereof, and grant time for the payment of the purchase-money or any portion thereof, they are hereby authorized and em- 5 powered to take and accept as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and power of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Sale and con-

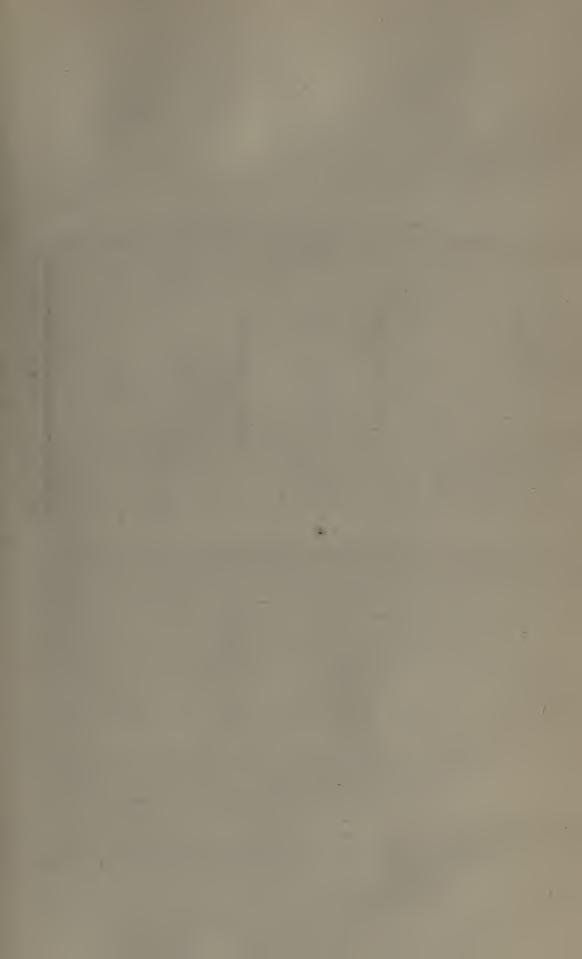
6. The sale made on the thirteenth day of November, in veyance to Great Western the year of our Lord one thousand eight hundred and seventy-Railway con- three by the then trustees to the Great Western Railway Company of that portion of the lands and premises aforesaid described as follows, that is to say: Commencing where a stone 15 monument has been planted at the northern limit of the land at the said date, owned by the said Great Western Railway Company, and the south-easterly angle of the land then owned by the said parties of the first part; thence north twenty degrees fifty-two minutes west (true bearing) along the eastern limit of 20 said cemetery lands, one hundred and thirty-nine feet; thence south forty-seven degrees twenty minutes west forty-one feet six inches; thence south sixty-eight degrees twenty-seven minutes west along the line between burial plots numbers thirty-five and thirty-six, and a continuation of the same course 25 two hundred and fifty-four feet, more or less, to the northerly limit of land which at the said thirteenth day of November, one thousand eight hundred and seventy-three, was owned Western Railway Company; by the said the Great eighty-eight degrees thirty minutes east 30 thence south along said northerly limit of railway lands three hundred and twenty-four feet, more or less, to the place of beginning, and the conveyance thereof bearing date on the day last aforesaid, executed and delivered by the then trustees, William McBride, Samuel McBride, Samuel Peters, Samuel Glass, 35 Murray Anderson, and John Elson, to the Great Western Railway Company, is hereby confirmed and declared valid.

Leases and sales freed from certain trusts.

7. Every such lease or sale so made shall be freed and "discharged from all precedent trusts of every kind declared in, or referred to, by the deed bearing date the twelfth day of 40 October, in the year of our Lord one thousand eight hundred and fifty-four, and the lessee or purchaser shall hold the same lands so demised or sold to him and his heirs, or interest therein. freed and discharged from the said trusts, as if the same had not been created or declared." 45

Form of conveyances.

8. All deeds and conveyances made under the Act may refer to this Act in manner or to the following effect: "This Indenture made the day of , in the year under the authority of an Act of the of our Lord Legislative Assembly of the Province of Ontario, passed in the 50 forty-second year of Her Majesty's reign, chapter "An Act to authorize the sale of certain lands in the Village of London East, heretofore known as the Methodist Cemetery."



PTTT

An Act to authorize the sale of certain lands in the Village of London East, heretofore known as the Methodist Cemetery.

(Reprinted as amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

Mr. MEREDITH,

TORONTO:

PRINTED BY HUNTER, RASE & Co.

An Act respecting the debenture debt of the London and Port Stanley Railway Company.

WHEREAS the London and Port Stanley Railway Com-Preamble. pany has, under the authority of its Act of incorpora-

tion, and the Acts amending the same, issued

dollars, bonds or debentures of the said company, se-5 cured by first mortgage of the lands, tolls, revenues, and other property of the said company, and

dollars, bonds or debentures of the said company, secured by second mortgage of the lands, tolls, revenues, and other property of the said company; and whereas the amount of the said

10 first mortgage bonds or debentures outstanding is the sum of dollars, of which

dollars are held by the Corporation of the City dollars are held of London, and by the Corporation of the Town of St. Thomas, and the amount

15 of the said second mortgage bonds or debentures outstanding is dollars, all of which said second mortgage bonds or debentures are held by the Corporation of the said City of London; and whereas the whole of the said debentures are overdue, and a large sum is

20 also due for arrears of interest thereon; and whereas the amount due upon the said bonds or debentures, for principal and interest, exceeds the whole value of the railway and all the assets and property of the said company; and whereas the company have prayed for an act to provide a means for con-

25 solidating the debenture debt of the said company, and, in default of such consolidation taking place, to enable the said mortgage bond or debenture holders to foreclose their said mortgages, and also to give to the holders of such bonds or debentures a voice in the management of the affairs of the said

30 company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said company may issue first mortgage bonds or de-Issue of first bentures to the amount of the principal of the existing out-mortgage standing first mortgage bonds or debentures of the said com-bonds. pany, and may, with the consent of the holders of such existing first mortgage bonds or debentures of the said company, ex-40 change the same therefor.

2. The said company may also issue second mortgage bonds Issue of second or debentures to the amount of the principal of the existing bonds.

outstanding second mortgage bonds or debentures of the said company, and may, with the consent of the holders of such existing second mortgage bonds or debentures, exchange the same therefor.

Issue of third mortgage bonds.

3. The said company may also issue third mortgage bonds 5 or debentures to the amount of the arrears of interest due on the said first and second mortgage bonds or debentures, and may deliver such third mortgage bonds or debentures to the holders of the said first and second mortgage bonds or debentures in satisfaction of the interest due thereon.

Application of

4. None of the bonds or debentures issued under the authority of this act shall be sold or disposed of by the said company, or made use of by it, for any other than the purposes hereinbefore mentioned.

Debentures-their time of payment, etc.

5. The debentures issued under the authority of this act 15 shall be made payable at such periods not exceeding twenty years from the date thereof, as may be agreed on between the holders of the said first and second mortgage bonds and debentures and the said company, and shall be payable with such rate of interest as may be agreed on between them, and the in- 20 terest thereon shall be payable at such periods as may be in like manner agreed on, and all the debentures issued under the authority of this act shall, unless all the holders of the said existing first and second mortgage bonds or debentures shall otherwise agree, be payable at the same time and with 25 the same rate of interest.

Consent of holders of existing bonds.

6. None of the bonds or debentures by this act authorized to be issued shall be issued, unless the holders of all of the existing first and second mortgage bonds or debentures shall consent thereto.

30

Bonds a lien on railway.

7. The bonds or debentures by this act authorized to be issued shall, without registration, form a lien and charge on the said railway, and all the property, real and personal, and the tolls and revenues of the said company, and shall have priority, as follows: the bonds or debentures mentioned in 35 the first section of this act shall be called and known as first mortgage bonds, and shall be first in priority, and form a first lien and charge on the said railway and all the property, real and personal, and the tolls and revenues of the said company; the bonds or debentures mentioned in the second section of this 40 act shall be called and known as second mortgage bonds, and shall be next in priority, and form a second lien and charge on the said railway and all the property, real and personal, and the tolls and revenues of the said company; and the bonds or debentures mentioned in the third section of this act shall 45 be called and known as third mortgage bonds, and shall be next in priority, and form a third lien and charge on the said railway and all the property, real and personal, and the tolls and revenues of the said company.

Powers of

8. If the said company shall fail to call in all the outstand- 50 present bond-holders in case ing bonds or debentures of the said company, and replace the

same by the bonds or debentures by this act authorized to be of default by issued, within six months after the passing of this act, the company to call in outholders of the said existing first or second mortgage bonds or standing bonds debentures of the said company, or any of them, shall be en-

- 5 titled to take the like proceedings for the foreclosure of their mortgage, or the sale of the said railway, and the franchises and all the real and personal property of the said company, as a mortgagee of freehold lands in this Province is entitled to take; and the purchaser at any sale had under the authority 10 of this act shall have, and be entitled to, all the rights, franchises and assets, real and personal, of the said company, and may work and operate the said railway in like manner as the said company is now authorized by law to do.
- 9. So long as the bond or debenture debt of the said com-Directors, how 15 pany exceeds two hundred and fifty thousand dollars, the number of directors to be chosen annually by the shareholders of the said company shall be three, and not nine, as provided by the special act incorporating the said company, and six directors shall be elected by the holders of the bonds or debentures 20 of the said company.
- 10. The directors to be elected by the bond or debenture Bondholders holders of the said company shall be elected at the same time tors. as the other directors of the said company, and each bond or debenture holder may vote by proxy, and shall be entitled to 25 one vote for every hundred dollars of bonds or debentures held by him.
- 11. The bond or debenture holders of the said company may, Right of bond-during the period mentioned in section nine, also vote at all holders to vote special or general meetings of the said company, or of the share-company.

 30 holders thereof, in like manner as shareholders may, and shall be entitled to one vote for every hundred dollars of bonds or debentures held by them.
- 12. The provisions of the ninth, tenth, and eleventh sections Operation of ss. 9, 10 and 11 of this Act shall not take effect until the next general meeting postponed.

 35 of the stockholders of the said company.

4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act respecting the debenture debt of the London and Port Stanley Railway Company.

1st Reading,

1879.

PRIVATE BILL.

MR. MEREDITH.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The Ontario Veterinary Medical Association.

HEREAS Andrew Smith, of the City of Toronto, V. S., Preamble. J. Wilson, of the City of London, V. S., J. T. Duncan, of the Town of Goderich, V. S., W. Cowan, of the Town of Galt, V. S., C. H. Sweetapple, of Brooklin, V. S., C. Elliott, 5 of the Town of St. Catharines, V. S., A. O. F. Coleman, of the City of Ottawa, V. S., J. Bond, of the City of Toronto, V. S., E. A. A. Grange, of the Town of Guelph, V. S., J. S. Cæsar, of the Town of Port Hope, V. S., J. D. O'Niel, of London, V. S., and others, who are all members of the present existing unincor-10 porated association, known as The Ontario Medical Veterinary Association, have petitioned for the incorporation of themselves and others, as The Ontario Veterinary Medical Association, and to be invested with the corporate privileges and powers hereinafter mentioned, setting out, among other things, that it is 15 expedient that persons, wishing to employ a veterinary surgeon, should be enabled to distinguish between qualified and unqualified practitioners; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 20 of the Legislative Assembly of the Province of Ontario, enacts

as follows: -

1. This Act shall be known as The Ontario Veterinary Medi-Title of Act. cal Act.

2. The aforesaid persons, and all those who may hereafter Incorporation. 25 become associated with them, shall be, and they are hereby constituted, a body politic and corporate, by the name of the Ontario Veterinary Medical Association, having perpetual succession and a common seal, with power to sue and be sued, in all courts of law and equity in this Province, and to acquire, 30 hold, and dispose of real and personal estate for the purposes of this Act.

Every person, resident in the Province of Ontario, and Qualification now possessed, or who thereafter may become possessed of any for registry. one or more of the qualifications described in the Schedule A 35 to this Act, shall, on the payment of a fee of two dollars to the registrar of the association, be entitled to be registered, on producing to the registrar the documents conferring or evidencing the qualification, or each of the qualifications, in respect of which he seeks to be so registered, or upon transmitting 40 by post to the registrar information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered.

Penalty for practising tration, etc.

4. If any person, after the period of six months after the without regis- passing of this Act, not holding a valid certificate of registration thereunder, practises the profession of a veterinary surgeon in Ontario, for hire, gain, or hope of reward, or wilfully and falsely pretends to hold a certificate of registration under this 5 Act, or takes or uses any name, title, addition, or description, implying that he is duly authorized to practise as a veterinary surgeon, shall be liable to a summary conviction before any two or more justices of the peace for every such offence, and shall, on such conviction, be liable to a fine not exceeding one 10 hundred dollars or less than twenty-five dollars, which said penalty, in default of payment, shall be enforced by distress and sale of the offender's goods and chattels; and it is further provided that no such person shall recover in any court of law for any work done or materials provided by him in the ordinary 15 practice of a veterinary surgeon.

Application of fines, etc.

5. All such fines, together with the fees for registration, shall become and form part of the funds of the said association.

By-laws of present association continued.

6. The by-laws, rules, and regulations of the now existing 20 unincorporated Veterinary Medical Association of Ontario, now in force, shall be, and continue to be, the by-laws, rules, and regulations of the said corporation, until amended or repealed.

Power to

7. The said corporation shall have power to make and es-25 make by laws, tablish by-laws, rules, and regulations for its government, as they may deem expedient and necessary for the interest and administration of the property and affairs of the said corporation; for the employment of a registrar and treasurer, and such clerks, officers, and servants as may be necessary; for regu- 30 lating the mode of voting at all meetings, and for all or any of the purposes within the powers of this Act, and for the administration of their affairs generally, and further to amend and repeal such by-laws from time to time, in manner provided by such by-laws.

Liability of members.

8. No member of the corporation shall be liable for any of the debts thereof beyond the amount of the annual subscription of such member, which may remain unpaid.

Officers of present association to remain in offic

9. Until others are elected the present officers of the said existing Veterinary Medical Association of Ontario shall be 40 those of the corporation constituted by this Act, and shall have all the powers given by this Act and by the said existing bylaws and rules, which are not contrary to law.

Rights of registered persons.

10. Every person who shall be registered under the provisions of this Act shall be entitled, according to his qualification 45 or qualifications, to practise as a veterinary surgeon in the Province of Ontario, and to demand and recover, in any court of law, with full costs of suit, reasonable charges, for professional aid, advice, and visits, and the cost of any medicine, or other medical or surgical appliances rendered or supplied 50 by him.

11. The registrar shall, from time to time, cause to be printed Register to be and published a correct register of the names, in alphabetical published. order, according to the surnames, with the respective residences,

in the form set forth in Schedule B to this Act, or to the like 5 effect, together with the medical titles, diplomas, and qualifications conferred by any college or body, with the dates thereof, of all persons appearing on the register as existing on the day of publication; and such register shall be called The Ontario Veterinary Register, and a copy of such register for the time Register to

10 being, purporting to be so printed and published as aforesaid, prima facie evidence. shall be prima facie evidence, in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy shall be 15 prima facie evidence that such person is not registered accord-

ing to the provisions of this Act: Provided always that, in the Proviso. ease of any person whose name does not appear in such copy, a certified copy, under the hand of the registrar, of the entry of the name of such person on the register, shall be evidence that 20 such person is registered under the provisions of this Act.

12. Any registered veterinary surgeon who shall have been Provisions in convicted of any felony, in any court, shall thereby forfeit his case of persons right to registration, and his name shall be erased from the felony. register, or, in case of a person known to have been convicted 30 of a felony, who shall present himself for registration, the registrar shall have power to refuse such registration.

13. All prosecutions against any one acting in contravention Prosecutions of the provisions of this Act shall take place in accordance and application of moneys with the Summary Proceedings Act, and all moneys re-recovered. 40 ceived under this Act shall be paid to the registrar, and may be applied for the purpose of carrying this Act into execution.

- 14. Every person duly registered under this Act shall be Witness fees. entitled, when subpoenced as a witness to give professional evidence, to the sum of four dollars a day, besides his travel-45 ling expenses.
 - 15. This Act shall take effect from and after the first day of Time Act to July, one thousand eight hundred and seventy-nine.

SCHEDULE A.

(See Section 3.)

- 1. Graduates of the Ontario Veterinary College.
- 2. Graduates of the American Veterinary College of New York.
- 3. Graduates of the New York Veterinary College of New York.

- 4. Graduates of the Columbia Veterinary College of New York.
 - 5. Graduates of the Montreal Veterinary School.
- 6. Graduates of any of the recognized Veterinary Colleges of Europe.

SCHEDULE B.

(See Section 11.)

NAME.	Residence.	QUALIFICATION AND ADDITION.
A. B.	Toronto, County of York.	

PRIVATE BILL.

An Act to incorporate The Ontario Veterinary Medical Association.

1st Reading,

1879.

4th Session,

3rd

Parliament,

42 Vic.,

1879

No. 56.

MR

An Act to incorporate The Ontario Veterinary Association.

HEREAS Andrew Smith, of the City of Toronto, V. S., Preamble. J. Wilson, of the City of London, V. S., J. T. Duncan, of the Town of Goderich, V. S., W. Cowan, of the Town of Galt, V. S., C. H. Sweetapple, of Brooklin, V. S., C. Elliott, 5 of the Town of St. Catharines, V. S., A. O. F. Coleman, of the City of Ottawa, V. S., J. Bond, of the City of Toronto, V. S., E. A. A. Grange, of the Town of Guelph, V. S., J. S. Cæsar, of the Town of Port Hope, V. S., J. D. O'Niel, of London, V. S., and others, who are all members of the present existing unincor-10 porated association, known as The Ontario Veterinary Medica! Association, have petitioned for the incorporation of themselves and others, as The Ontario Veterinary Association, and to be invested with the corporate privileges and powers hereinafter mentioned, setting out, among other things, that it is 15 expedient that persons, wishing to employ a veterinary surgeon, should be enabled to distinguish between qualified and unqualified practitioners; and whereas it is expedient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent

20 of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

35

1. This Act shall be known as "The Ontario Veterinary Title of Act. Act."

2. The aforesaid persons, and all those who may hereafter Incorporation. 25 become associated with them, shall be, and they are hereby

constituted, a body politic and corporate, by the name of the Ontario Veterinary Association, having perpetual succession and a common seal, with power to sue and be sued, in all courts of law and equity in this Province, and to acquire, hold, and

30 dispose of real and personal estate for the purposes of this Act; Provided always, that the said association shall at no time acquire or hold any lands or tenements or interests therein exceeding in the whole, at any one time the annual value of five thousand dollars nor otherwise than for their actual use and occupation.

3. Every person, resident in the Province of Ontario, and for registry. now possessed, or who hereafter may become possessed of any one or more of the qualifications described in the Schedule A to this Act, shall, on the payment of a fee of two dollars to the

40 registrar of the association, be entitled to be registered, on producing to the registrar the documents conferring or evidencing the qualification, or each of the qualifications, in 108pect of which he seeks to be so registered, or upon transmitting

by post to the registrar information of his name and address, and evidence of the qualification or qualifications in respect

whereof he seeks to be registered.

Penalty for practising without regis-tration, etc.

4. Any person, who wilfully and falsely pretends to hold a certificate of registration under this Act, shall be liable to a summary conviction before any two or more justices of the peace for every such offence, and shall, on such conviction, be liable to a fine not exceeding fifty dollars or less than five dollars, which said penalty, in default of payment, shall be enforced by distress and sale of the offender's goods and chattels. 10

Application of fines, etc.

5. All such fines, when the said association or some officer or member thereof is the prosecutor, together with the fees for registration, shall become and form part of the funds of the said association.

By-laws of present association continued.

6. The by-laws, rules, and regulations of the now existing 15 unincorporated Veterinary Medical Association of Ontario, now in force, shall be, and continue to be, the by-laws, rules, and regulations of the said corporation, until amended or repealed.

Power to make and corporation shall have power to make and es-20 make by-laws, tablish by-laws, rules, and regulations for its government, as they may deem expedient and necessary for the interest and administration of the property and affairs of the said corporation; for the employment of a registrar and treasurer, and such clerks, officers, and servants as may be necessary; for regu- 25 lating the mode of voting at all meetings, and for all or any of the purposes within the powers of this Act, and for the administration of their affairs generally, and further to amend and repeal such by-laws from time to time, in manner provided by such by-laws.

Liability of members.

8. No member of the corporation shall be liable for any of the debts thereof beyond the amount of the annual subscription of such member, which may remain unpaid.

Officers of present asso-ciation to remain in offic

9. Until others are elected the present officers of the said existing unincorporated Ontario Veterinary Medical Associa- 35 tion shall be those of the corporation constituted by this Act, and shall have all the powers given by this Act and by the said existing by-laws and rules, which are not contrary to law.

Rights of registered persons.

10. Every person who shall be registered under the provisions of this Act shall be entitled, according to his qualification 40 or qualifications to practise as a veterinary surgeon in the Province of Ontario, and to demand and recover, in any court of law, reasonable charges, for professional aid, advice, and visits, and the cost of any medicine, or other medical or surgical appliances rendered or supplied by him, as such Veterinary 45 Surgeon.

Register to be published.

11. The registrar shall, from time to time, cause to be printed and published a correct register of the names, in alphabetical order, according to the surnames, with the respective residences, in the form set forth in Schedule B to this Act, or to the like 50 effect, together with the medical titles, diplomas, and qualifications conferred by any college or body, with the dates thereof, of all persons appearing on the register as existing on the day of publication; and such register shall be called The Ontario

5 Veterinary Register, and a copy of such register for the time Register to being, purporting to be so printed and published as aforesaid, prima facie shall be prima facie evidence, in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act; and the

10 absence of the name of any person from such copy shall be prima facie evidence that such person is not registered according to the provisions of this Act: Provided always that, in the Proviso. case of any person whose name does not appear in such copy, a certified copy, under the hand of the registrar, of the entry of

15 the name of such person on the register, shall be evidence that such person is registered under the provisions of this Act.

12. Any registered veterinary surgeon who shall have been Provisions in convicted of any felony, in any court, shall thereby forfeit his case of persons right to registration, and his name shall be erased from the felony. 20 register, or, in case of a person known to have been convicted of a felony, who shall present himself for registration, the registrar shall have power to refuse such registration.

13. All prosecutions against any one acting in contravention Prosecutions of the provisions of this Act shall take place in accordance and application of moneys 30 with the Summary Proceedings Act, and all moneys pay-recovered. able to the said association under this Act shall be paid to the registrar, and may be applied for the purpose of carrying this Act into execution.

- 14. Every person duly registered under this Act shall, when Witness fees. 40 subpænaed as a witness to give professional evidence, be entitled to the sum of four dollars a day, besides his travelling expenses.
 - 15. This Act shall take effect from and after the first day of Time Act to take effect. July, one thousand eight hundred and seventy-nine.

SCHEDULE A.

(See Section 3.)

- 1. Graduates of the Ontario Veterinary College.
- 2. Graduates of the American Veterinary College of New York.
- 3. Graduates of the New York Veterinary College of New
- 4. Graduates of the Columbia Veterinary College of New ${f Y}$ ork.
 - 5. Graduates of the Montreal Veterinary School

6. Graduates of any of the recognized Veterinary Colleges of Europe.

SCHEDULE B.

(See Section 11.)

NAME.	Residençe.	QUALIFICATION AND ADDITION.
A. B.	Toronto, County of York.	

(PRIVATE BILL.)

1st Reading, 29th January, 1879.

MR. BETHUNE.

An Act to incorporate the Ontario Veteri-

nary Association.

(Reprinted as Amended.)

4th Session, 3rd Parliament, 42 Vic., 1879.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Snowden Iron Mining and Blast Furnace Company.

THEREAS certain persons have, by their petition, prayed Preamble. that they may be incorporated under the title of the Snowden Iron Mining and Blast Furnace Company, for the purpose of developing the iron mines in the Township of 5 Snowden and elsewhere within this Province; and whereas it is desirable to promote and foster the development of the said iron mines and to encourage the manufacture of iron and the establishment of blast furnaces within this Province; and whereas it is expedient to grant the prayer of the said peti-10 tion;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. William Myles, John Downey, William N. Myles, Charles Incorporation. 15 H. Grantham, Norman C. Myles, and such other persons as may become shareholders of the said company, shall be and are hereby made and constituted a body corporate and politic by and under the name of the Snowden Iron Mining and Blast Furnace Company.

2. The capital stock of the said company shall be two Capital. hundred thousand dollars divided into two hundred shares of one hundred dollars each, which said capital stock may be increased from time to time to such further sum or sums as may be authorized by a two thirds vote of the shareholders present

- 25 at a special meeting or a meeting called for that purpose, so that the whole amount of such capital stock shall not exceed the sum of three hundred thousand dollars.
- 3. The said stock shall be personal property, and no share-Stock personal holder shall be liable beyond the amount of stock subscribed property 30 for and unpaid by him.
- 1. William Myles, John Downey, William N. Myles, Charles Provisional Directors. H. Grantham and Norman C. Myles, shall be, and are hereby, constituted a provisional board of directors of the said company and shall hold office until other directors are elected by 35 the shareholders according to the provisions of this Act.
 - 5. The said provisional board of directors shall have full Powers of provisional power to fill vacancies; to open stock books and procure sub-directors. scriptions of stock; to make calls thereon; grant certificates and receipts therefor; to make provisional by-laws; and to

do all other things necessary or expedient in the organization of the company, and the conduct of its affairs until the election of a board of directors therefor.

First election of directors.

6. When and as soon as shares to the amount of one hundred thousand dollars in the capital stock of the company 5 shall have been subscribed and ten per centum shall have been paid upon the same, the provisional directors or a majority of them shall call a meeting of the shareholders for the purpose of electing directors, giving at least one month's notice in a newspaper published in Port Hope, in the County of Dur- 10 ham, and in the Ontario Gazette, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect five persons to be 15 directors of the said company, in manner, and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the year following their election; and a majority of the said board of directors shall form a quorum for the transaction of business.

General an-

7. Thereafter the general annual meeting of the shareholnual meetings ders of the company shall be held in such place, on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given as prescribed in the case of the first election of directors.

Special gener al meetings.

8. Special general meetings of the shareholders of said company may be held in such places, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

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Qualification of diretors.

9. In the election of directors under this act, no person shall be elected a director unless he shall be the holder of at least one share of the stock of the said company upon which all calls have been paid up.

Shareholders and their rights.

10. Aliens as well as British subjects, and whether resident 35 in this Province, or elsewhere may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Powers of directors.

11. The directors of the said company shall have full power 40 and authority to make, prescribe, alter, amend, repeal and reenact, all such by-laws, rules and regulations as shall appear to them needful, touching the well ordering of the company, the acquirement, management and disposition of its stock, property, estate and effects, and its affairs and business and par- 45 ticularly of the following matters:

1. The calling up and payment from time to time of the

capital stock of the said company;

2. The issue of certificates to the respective shareholders and the registration thereof in the books of the company with 50 the address of the shareholders;

3. The forfeiture and sale of shares for non payment of the calls;

4. The transfer of shares;

5. The declaration and payment of profits of the said com-

5 pany and dividends in respect thereof;

6. The appointment, removal, and remuneration, of all managers, agents, officers, and servants of the said company as they shall deem necessary for carrying on the business of the said company, and the security, if any, to be taken from such 10 parties respectively for the due performance of their respective duties;

7. The calling of general or special meetings of the board

of directors and of the company;

8. The making and entering into deeds, agreements, leases, 15 contracts, arbitrations and other documents to bind the com-

9. The borrowing or advancing money for promoting the purposes and interests of the company and the securities to

be given by or to the said company for the same :

10. The keeping of minutes of the proceedings of the board and company and making the same binding and conclusive on the shareholders, and rectifying any errors that may be made therein;

11. To submit to the annual meeting of the shareholders a

25 clear and detailed statement of the company's affairs;

12. The audit of the accounts and the appointment of auditors.

12. The said company shall have power to explore and de-Powers of velop and work iron mines in the said Township of Snowden, company. 30 and elsewhere in this Province, and to establish blast furnaces at the said mines, and at the Town of Port Hope, and elsewhere, as the said company may deem it expedient, and to purchase or acquire all lands, appliances, structures, steam engines, machinery, vessels, cars and docks requisite for the manu-35 facture of iron, and the carriage and smelting of iron ore.

13. The said company may construct, maintain and use a Power to double or single line of railway or tramway of wood or iron, or make tramways, &c. both, with all necessary appliances for the proper and efficient working of the said railway or tramway, from the said 40 mines at Snowden to Kinmount, and may take any land required for the right of way of the same at a fair valuation, and may connect their said railway or tramway with the Victoria Railway, or with any other railway as may be agreed upon between the respective companies.

- 14. The company may purchase, lease, acquire and transfer Power to acall real and personal estate necessary for carrying on the oper-quire lands. ations of the said company, and for storing and transporting its ores, fuel, manufactures and other property, and may sell and dispose of the same when no longer necessary.
- 15. The several clauses of the Railway Act of Ontario and Certain also the several clauses thereof with respect to "plans and sur-clauses of Railway Act veys," "lands and their valuation," "highways and bridges," neorporated.

"fences," "municipalities taking stock," "actions for indemnity and fines and penalties and their prosecution," shall be incorporated with and deemed to be a part of this act, and shall apply to the railway or tramway to be constructed herein except only so far as they may be inconsistent with the express enact- 5 ments hereof, and the expression "this act," when used herein, shall be understood to include the clauses of the Railway Act of Ontario, so incorporated with this act.

Exemption

16. It shall further be lawful for the council of any munifrom taxation, cipality in which the said company may work their said mines, 10 or establish their said works, or in which any part of the said railway or tramway is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either wholly or in part from municipal assessment and taxation, or to agree to a certain sum per 15 annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by- 20 law shall not be repealed unless in conformity with a condition contained therein.

Issue of bonds.

17. The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, or any 25 general meeting, shall have power from time to time to mortgage their said real and personal property, or to issue mortgage bonds made and signed by the president or vice-president, and countersigned by the secretary, and under the seal of the company, for such sums, payable at such times and in such manner, 30 at such places, and with coupons thereto attached, bearing interest at such rate, payable at such places and in such manner as the directors may deem advisable, to any amount not exceeding five thousand dollars lawful money of Canada, or its equivalent in sterling money of great Britain, for each mile 35 of the main line of the railway from time to time constructed, which said mortgage bonds when issued, shall, without registration or formal conveyance be taken and be considered to be a first and preferential claim and charge upon the real and personal property of the company, existing at the time of such 40 issue or issues, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the said real and personal property of the said company as aforesaid.

Company may pledge bonds.

18. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may issue for the construction or maintenance of their said works, or the working of their said mines.

Company may

19. The said company shall have power and authority to 50 make promissory notes and bills of exchange, accept and every promissory note and bill of exchange, accept and every promissory note and bill of exchange made, endorsed, drawn or accepted by the presinotes and bills of exchange, and every promissory note and bill of exchange made, endorsed, drawn or accepted by the presi-

dent or vice-president of the company, and countersigned by the secretary of the company under the authority of a quorum of the directors, shall be binding on the said company, and shall be presumed to have been made with the proper authority until 5 the contrary is shewn; and it shall not be necessary to affix the seal of the company to any such bill or note nor shall the president, vice-president or secretary be individually responsible for the same unless the same shall have been issued without the sanction and authority of the directors as herein pro-

10 yided: Provided, however, that nothing herein contained shall Proviso. be construed to authorize the said company to issue any promissory note or bill of exchange intended to be circulated as money or in like manner as the notes and bills of a bank.

20. For the purpose of constructing, working and protecting Telegraph 15 the said railway or tramway, the said company may construct, lines. work and maintain a telegraph line or lines along their line of railway and in connection therewith, and such telegraph line or lines shall be considered as an adjunct to the said railway or tramway, and the said company shall, in respect, and for the 20 working and protection, thereof, have the powers conferred by law on Electric Telegraph Companies in that behalf.

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4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to incorporate the Snowden Iron Mining and Blast Furnace Company.

1st Reading,

1879.

PRIVATE BILL.

MR.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Snowdon Iron Mining and Blast Furnace Company.

HEREAS certain persons have, by their petition, prayed that they may be incorporated under the title of the Snowden Iron Mining and Blast Furnace Company, for the purpose of developing the iron mines in the Township of 5 Snowden and elsewhere within this Province; and whereas it is desirable to promote and foster the development of the said iron mines and to encourage the manufacture of iron and the establishment of blast furnaces within this Province; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. William Myles, John Downey, William N. Myles, Charles Incorporation 15 H. Grantham, Norman C. Myles, and such other persons as may become shareholders of the said company, shall be and are hereby made and constituted a body corporate and politic by and under the name of the Snowden Iron Mining and Blast Furnace Company.
- 20 2. The capital stock of the said company shall be two Capital hundred thousand dollars divided into two hundred shares of one hundred dollars each, which said capital stock may be increased from time to time to such further sum or sums as may be authorized by a two thirds vote of the shareholders present 25 in person or by proxy at a special meeting or a meeting called for that purpose, so that the whole amount of such capital stock shall not exceed the sum of three hundred thousand dollars.
- 3. The said stock shall be personal property, and no share-Stock personal holder shall be liable beyond the amount of stock subscribed property.

 30 for and unpaid by him.
- 4. William Myles, John Downey, William N. Myles, Charles Provisional H. Grantham and Norman C. Myles, shall be, and are hereby, constituted a provisional board of directors of the said company and shall hold office until other directors are elected by 35 the shareholders according to the provisions of this Act.
 - 5. The said provisional board of directors shall have full Powers of power to fill vacancies; to open stock books and procure sub-directors. scriptions of stock; to make calls thereon; grant certificates and receipts therefor; to make provisional by-laws; and to

do all other things necessary or expedient in the organization of the company, and the conduct of its affairs until the election of a board of directors therefor.

First election of directors.

6. When and as soon as shares to the amount of one hundred thousand dollars in the capital stock of the company shall have been subscribed and ten per centum shall have been paid upon the same, the provisional directors or a majority of them shall call a meeting of the shareholders for the purpose of electing directors, giving at least one month's notice in a newspaper published in Port Hope, in the County of Dur- 10 ham, and in the Ontario Gazette, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect five persons to be 15 directors of the said company, in manner, and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the year following their election; and a majority of the said board of directors shall form a quorum for the transaction of business.

General an-

7. Thereafter the annual general meeting of the shareholnual meetings ders of the company shall be held in such place, on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given as prescribed in the case of the first election of directors. 25

Special gener al meetings.

8. Special general meetings of the shareholders of said company may be held in such places, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Qualification of dirctors.

9. In the election of directors under this act, no person shall be elected a director unless he shall be the holder of at least one share of the stock of the said company upon which all calls have been paid up.

Shareholders and their rights.

10. Aliens as well as British subjects, and whether resident 35 in this Province, or elsewhere may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Powers of directors.

11. The directors of the said company shall have full power 40 and authority to make, prescribe, alter, amend, repeal and reenact, all such by-laws, rules and regulations as shall appear to them needful, touching the well ordering of the company, the acquirement, management and disposition of its stock, property, estate and effects, and its affairs and business and par- 45 ticularly of the following matters:

1. The calling up and payment from time to time of the

capital stock of the said company;

2. The issue of certificates to the respective shareholders and the registration thereof in the books of the company with 50 the address of the shareholders;

3. The forfeiture and sale of shares for non payment of the calls;

4. The transfer of shares;

5. The declaration and payment of profits of the said com-

5 pany and dividends in respect thereof;

6. The appointment, removal, and remuneration, of all managers, agents, officers, and servants of the said company as they shall deem necessary for carrying on the business of the said company, and the security, if any, to be taken from such 10 parties respectively for the due performance of their respective duties:

7. The calling of general or special meetings of the board

of directors and of the company;

8. The making and entering into deeds, agreements, leases, 15 contracts, arbitrations and other documents to bind the company:

pany;
9. The borrowing or advancing money for promoting the purposes and interests of the company and the securities to

be given by or to the said company for the same;

20 10. The keeping of minutes of the proceedings of the board and company and making the same binding and conclusive on the shareholders, and rectifying any errors that may be made therein;

11. To submit to the annual meeting of the shareholders a

25 clear and detailed statement of the company's affairs;

12. The audit of the accounts and the appointment of auditors.

- 12. The said company shall have power to explore and de-Powers of velop and work iron mines in the said Township of Snowden, company.

 30 and elsewhere in this Province, and to establish blast furnaces at the said mines, and at the Town of Port Hope, and elsewhere in this Province as the said company may deem it expedient, and to purchase or acquire all lands, appliances, structures, steam engines, machinery, vessels, cars and docks

 35 requisite for the manufacture of iron, and the carriage and smelting of iron ore.
- 13. The company may purchase, lease, acquire and transfer Power to acall real and personal estate necessary for carrying on the oper-quire lands. ations of the said company, and for storing and transporting its ores, fuel, manufactures and other property, and may sell and dispose of the same when no longer necessary.
- 14. The said company may construct, maintain and Power to make use a railway or tramway of wood or iron from the said mines at Snowdon to Kinmount, and may take any land required for right of way and stations at a fair valuation, under the provisions of the thirteenth to twentieth sections inclusive of Ss. 13-20 of "the Railway Act of Ontario" which shall apply to the said R. S. O. c. 165 company, and the said company may connect their said railway or tramway with the Victoria Railway or with any other railway as may be agreed upon between the respective companies.
 - 15. In case the Snowdon Branch Railway Company, Powers of or other railway company thereto authorized should find it other companies.

necessary or convenient in the course of its route to occupy for the purposes of its railway any land occupied by the railway or tramway of the said company under this Act, it shall be lawful for the Snowdon Branch Railway Company, or such other railway company to make, carry and place their railway upon, along, or across any lands of the said company incorporated under this Act, and the provisions of sub-sections fifteen and sixteen of section nine of "The Railway Act of Ontario" shall apply to any exercise of this power, and the compensation to be paid therefor.

Exemption

16. It shall further be lawful for the council of any munifrom taxation, cipality in which the said company may work their said mines, or establish their said works, or in which any part of the said railway or tramway is situate, by by-law specially passed for that purpose, to exempt the said company and its property 15 within such municipality, either wholly or in part from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and 20 for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such bylaw shall not be repealed unless in conformity with a condition contained therein.

Issue of bonds.

17. The directors of the company, after the sanction of the 25 shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, or any general meeting, shall have power from time to time to mortgage their said real property, or to issue mortgage bonds made and signed by the president or vice-president, and 30 countersigned by the secretary, and under the seal of the company, for such sums, payable at such times and in such manner, at such places, and with coupons thereto attached, bearing interest at such rate, payable at such places and in such manner as the directors may deem advisable, which said mort- 35 gage bonds when issued, shall, without registration or formal conveyance be taken and be considered to be a first and preferential claim and charge upon the real property of the company, existing at the time of such issue or issues, and at any time thereafter acquired; and each holder of the said bonds 40 shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the said real property of the said company as aforesaid.

Company may

18. The said company may, from time to time, for advances pledge bonds. of money to be made thereon, mortgage or pledge any bonds 45 which they may issue for the construction or maintenance of their said works, or the working of their said mines.

change, &c.

19. The said company shall have power and authority to make promis- make, draw, endorse, accept and become parties to promissory sory notes and bills of exchange, and every promissory note and bills of exchange, and every promissory note and bills. notes and bills of exchange, and every promissory note and bill 50 of exchange made, endorsed, drawn or accepted by the presi-

dent or vice-president of the company, and countersigned by the secretary of the company under the authority of a quorum of the directors, shall be binding on the said company, and shall be presumed to have been made with the proper authority until 5 the contrary is shewn; and it shall not be necessary to affix the seal of the company to any such bill or note nor shall the president, vice-president or secretary be individually responsible for the same unless the same shall have been issued without the sanction and authority of the directors as herein pro-

10 vided: Provided, however, that nothing herein contained shall Proviso. be construed to authorize the said company to issue any promissory note or bill of exchange intended to be circulated as money or in like manner as the notes and bills of a bank.

20. For the purpose of constructing, working and protecting Telegraph 15 the said railway or tramway, the said company may construct, lines. work and maintain a telegraph line or lines along their line of railway and in connection therewith, and such telegraph line or lines shall be considered as an adjunct to the said railway or tramway, and the said company shall, in respect, and for the 20 working and protection, thereof, have the powers conferred by law on Electric Telegraph Companies in that behalf.

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4th Session, 3rd Parliament, 42 Vic., 1879

PLL

An Act to incorporate the Snowdon Iron Mining and Blast Furnace Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

MR. WILLIAMS.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act concerning the London Junction Railway Company.

HEREAS the London Junction Railway Company have, Presimble. by their petition, prayed for an extension of the time fixed for the construction of the railway authorized by their Act of incorporation; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :--

- 1. The time limited by the Act of incorporation of said Time for company for the commencement of the said railway is hereby and completextended for two years from the passing of this Act, and the tion of railway time for the completion thereof is hereby extended for four extended. years from the passing of this Act, and all powers and privileges conferred upon the said company or upon any other corportation in relation to the said company by the said Act shall continue to be enjoyed by them and every provision conferring such powers shall continue in force notwithstanding the expiry of the times fixed for the commencement and completion of the said railway.
- 20 2. Any corporation authorized by the said Act to aid the Aid by gift of said company by way of bonus, may also do the same by real or persongift to the said company of any real or personal property.

Fourth Session, Third Parliament, 42 Vic. 1879.

BILL.

An Act concerning the London Junction Railway Company.

1st Reading,

1879.

PRIVATE BILL.

Mr

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Waterloo, Wellington and Georgian Bay Railway Company.

WHEREAS the construction of a railway from the Town Preamble of Waterloo, in the County of Waterloo, to the Village of Arthur, or to the Village of Harriston, in the County of Wellington, or to some intermediate point between the said 5 Village of Arthur and the said Village of Harriston, via the Village of St. Jacobs and the Village of Elmira, in the County of Waterloo, and via the Village of Drayton, in the County of Wellington, has become necessary for the development of the resources of the said counties and the country adjacent thereto; 10 and whereas Elias H. B. Snider and others have petitioned that an Act may pass for the construction of said railway; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 15 as follows:

1. Elias W. B. Snider, Isaac E. Bowman, Louis Breithaupt, Incorporation. Conrad Stuebing, John Ruppel, John Ratz, Joshua S. Bowman, George Allan, James Cross, Robert McKim, John Landerkin, Charles Hendry, and John Ogden, together with such persons and corporations as shall, in pursuance of this Act, become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the Waterloo, Wellington and Georgian Bay Railway Company.

25. The several clauses of the Railway Act of Ontario, and Railway Act the several clauses thereof with respect to "interpretation," to apply. "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," "actions for indemnity and fines, and penalties and their prosecution," and "general provisions," shall be deemed to be part of this Act, and shall apply to the said 35 company, and to the railway to be constructed by them, except so far as may be inconsistent with the enactments hereof; and

so far as may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid.

3. The said company shall have full power and authority Location of under this Act to construct a railway from the Town of Water-line. loo, in the County of Waterloo, to the Village of Arthur, or to the Village of Harriston, in the County of Wellington, or to

some intermediate point between the said Village of Arthur and the said Village of Harriston, via the Village of St. Jacobs, and the Village of Elmira, in the County of Waterloo, and via the Village of Drayton, in the County of Wellington.

Gauge.

4. The gauge of the said railway shall not be less than four 5 feet, eight and a half inches.

Form of convevances.

5. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule A, hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and 10 assigns, of the estate or interest and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more 15 than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Provisional directors.

6. From and after the passing of this Act, the said Elias W. B. Snider, Isaac E. Bowman, Louis Breithaupt, Conrad Stuebing, 20 John Ruppel, John Ratz, Joshua S. Bowman, George Allan, James Cross, Robert McKim, John Landerkin, and John Ogden shall be the provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of 25 directors of the said company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so appointed shall become and be provisional directors of the company equally with themselves; to open stock books and to procure subscrip- 30 tions for the undertaking, to make calls upon subscribers; to cause surveys and plans to be executed; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and with all such other powers as under the Railway Act and any other law in force in Ontario, are 35 vested in such boards.

Appropriation of land.

8. It shall and may be lawful for the said company to pass over any portions of the country between the points in the third section mentioned, and to take and appropriate for the use of the said railway and the works connected therewith so 40 much of the land as may be necessary for the works of the said railway.

Capital stock.

9. The capital of the company hereby incorporated shall be forty thousand dollars (with power to increase the same in the manner provided by the said Railway Act) to be divided into 45 eight hundred shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied, in the first place, for the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and esti- 50 mates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

10. When, and as soon as shares to the amount of ten thou- First election sand dollars in the capital stock of the company shall have of directors. been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional 5 directors, or a majority of them present, at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in one newspaper, published in the Town of Waterloo, and in the Ontario Gazette, of the time, place and object of such 10 meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as herein-15 after mentioned, who, together with the ex-officio directors, under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office for one year, or until their successors are elected.

- 11. The sums so paid shall not be withdrawn from the bank Application 20 except for the purposes of this Act.
- 12. The directors for the time being may, from time to time, Calls, make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be 25 given of each call as provided in section ten of this Act.
- 13. Thereafter the general annual meeting of the share-General anholders of the company shall be held in such place, on such days nual meetings, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, as pro30 vided in section ten.
- 14. Special general meetings of the shareholders of the said Special genecompany may be held in such places and at such times and in ral meetings. such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in 35 section ten.
 - 15. In the election of directors under this Act, no person Qualification shall be elected a director unless he shall be the holder and of directors. owner of at least ten shares of the stock of the said company upon which all calls have been paid up.
- 40 16. Aliens as well as British subjects, and whether resident Shareholders in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.
- 45 17. At all meetings of the board of directors, four shall form Quorum a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.
- 18. It shall be lawful for any municipality, or any por-Aid from mution of any township municipality which may be inter-nicipalities.
 50 ested in securing the construction of the said railway, or through any part of which, or near which, the railway or works

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of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall 5 think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the 10 passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

Petitions for aid by county municipality. 19. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of 15 twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act.

Petitions for aid by other than county municipality.

20. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county muni- 20 pality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire 25 to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are quali- 30 fied voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the 35 construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval 40 of the qualified voters of the said portion of such township municipality;

1. For raising the amount so petitioned for by such free-holders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or by annual 45 instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition;

2. For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal an-50 nual special rate, as near as may be, sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Council to pass by-law.

21. And in case such by-law be approved or carried by the 55 the majority of the votes given thereon, then within one month

after the date of such voting, the said council shall read the said by-law a third time and pass the same.

- 22. Within one month after the passing of such by-law, When debenthe said council and the warden, mayor, reeve, or other head tures to be thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.
- 23. In case any bonus be so granted by a portion of a muni-Rate assessed cipality the rate to be levied for payment of the debentures is- on portion of sued therefor and the interest thereon shall be assessed and municipality. 10 levied upon such portion only of the municipality.
- 21. The provisions of the Municipal Act, so far as the same Municipal Act are not inconsistent with this Act, shall apply to any by-law to apply. so passed by or for a portion of a municipality to the same ex-. tent as if the same had been passed by or for the whole muni-15 cipality.
- 25. All by-laws to be submitted to such vote for granting Rate not to bonuses to the said company not requiring the levy of a greater exceed three annual rate for all purposes, exclusive of school rates, than dollar. three cents on the dollar of the ratable property affected 20 thereby, shall be valid.
- 26. It shall be lawful for the corporation of any munici- Exemptions pality through any part of which the railway of the said com- from taxation. pany passes or is situate by by-law specially passed for that purpose to exempt the said company and its property within 25 such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for 30 such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

27. Whenever any municipality or portion of a township Delivery of municipality shall grant aid by way of bonus or gift to debentures. the said company, the debentures thereof shall, within six 35 months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the councils of the municipalities, which have granted bonuses; all of the trustees to be residents of the Pro-40 vince of Ontario; Provided if the municipal councils interested Proviso. shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee; in the event of the death, resignation or inability, or 45 refusal to act of any trustee the party who originally appointed such trustee so dying, resigning or becoming incapable, or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to

make such appointment, the company may appoint such

50 trustee.

Trusts of debentures.

28. The said trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Waterloo, Wellington and Georgian Bay 5 Railway Company Municipal Trust Account, and to pay the same to the company, from time to time, on the certificate of the chief engineer of the said company, in the form set out in schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in 10 pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees.

Act of two 29. The act of any two of such trustees shall be as valid trustees valid, and binding as if the three had agreed.

Power to issue bonds.

30. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by 20 the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real pro- 25 perty of the company, including its rolling stock and equipment then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof, upon the undertaking and property of the company as 30 aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of six thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction 35

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that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing 40 general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers there-of shall have been first registered in the same manner as is pro-45 vided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company with-

in the Provinces of Ontario or Quebec; and Provided further

Transfer of bonds, &c.

31. All such bonds, debentures and other securities, and coupons, and interest warrants thereon respectively, may be made 50 payable to bearer, or transferable by delivery, and any holder of any such bonds, debentures or other securities, so made payable to bearer, may sue at law thereon in his own name.

Power to become parties to notes, &c.

32. The said company shall have power and authority to become parties to promissory notes or bills of exchange, 55 and every promissory note and bill of exchange made or endorsed by the president or vice-president of the com-

pany, and countersigned by the secretary thereof, and under the authority of a quorum of the directors shall be binding on the said company, and shall be presumed to have been made with proper authority until the contrary be shown; and in 5 no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and au-10 thority of the directors as herein provided and enacted

Provided however that nothing in this section shall be con- Proviso. strued to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as

33. Whenever it shall be necessary for the purpose of pro- Power to accuring sufficient lands for stations or gravel-pits for construct-quire whole ing, maintaining and using the said railway, and in case by lots. purchasing the whole of any lot or parcel of land, over which the railway is to run, the company can obtain the same at a 20 more reasonable price or to greater advantage than by pur-chasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they

25 may deem expedient, but the compulsory clauses of the Rail-

money or as the notes or bills of banks.

way Act shall not apply to this section.

34. When stone, gravel, earth or sand is or are required for Arbitration as the construction or maintenance of said railway, or any part to stone, thereof, the company may, in case they cannot agree with the gravel, ac. 30 owner of the lands on which the same is situate, for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award 35 and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money 40 into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the 45 land from which said materials shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

35. When said gravel, stone, earth or sand shall be taken Power to make 50 under the preceding section of this Act, at a distance from the sidings to line of the railway, the company may lay down the necessary gravel pits, siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found whatever the distance may be; and all the provisions of the 55 Railway Act and of the special Acts relating to said company,

except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and 5 the powers in this and the preceding section, may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

2. When estimating the damages for the taking of gravel, 10 earth or sand, sub-section eight of section twenty of the Act

respecting Railways shall not apply.

Commencerailway.

Power to pledge bonds.

36. The railway shall be commenced within five years and ment and com- finally completed within ten years after the passing of this Act.

> 37. The said company hereby incorporated may, from time 15 to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Arrangements with other railways.

38. The company incorporated by this Act may enter into any arrangement with any other railway company or com-20 panies which is or are lawfully empowered to enter into such arrangement for the construction, leasing, or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their 25 railway or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other or by both companies of the railway or rolling stock of either or 30 both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided that the assent of at least two-thirds of the shareholders shall be first 35 obtained at a special general meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act, and the company or companies leasing or entering into such agreement for using the said railway may, and are hereby authorized to work the said railway, and in 40 the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

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Power to build in sections.

39. The said railway may be constructed in sections, the 45 first of such sections to extend from the Town of Waterloo to the Village of St. Jacobs, the second section from the Village of St. Jacobs to the Village of Elmira, the third section from the Village of Elmira to the Village of Drayton, and the fourth section from the Village of Drayton to the northern terminus 50 of the said road, and it shall be lawful for any municipality or any portion of any township municipality to aid and assist the said company to construct any one of the aforesaid sections of the said road, to the same extent and in the same manner as such aid or assistance may be given to the whole road, under 55 any of the clauses of this Act, and in the event of the said company failing to complete the whole of the said road within the time specified in this Act for its completion, but completing any one or more sections of the said road within the time fixed 5 for the completion of the said road, then and in that case this charter shall remain valid and continue in force for such section or sections of the said road as may be so completed as fully and effectually as if the whole road had been completed within the specified time.

59-2

4th Session, 3rd Parliament, 42 Vic., 1879.

PETER

An Act to Incorporate the Waterloo, Wellington and Georgian Bay Railway Company.

1st Reading.

1879.

(PRIVATE BILL.)

MR. SPRINGER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Waterloo, Wellington and Georgian Bay-Railway Company.

HEREAS the construction of a railway from the Town Preamble of Waterloo, in the County of Waterloo, to the Village of Arthur, or to the Village of Harriston, in the County of Wellington, or to some intermediate point between the said 5 Village of Arthur and the said Village of Harriston, via the Village of St. Jacobs and the Village of Elmira, in the County of Waterloo, and via the Village of Drayton, in the County of Wellington, has become necessary for the development of the resources of the said counties and the country adjacent thereto; 10 and whereas Elias W. B. Snider and others have petitioned that an Act may pass for the construction of said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 15 as follows:

1. Elias W. B. Snider, Isaac E. Bowman, Louis Breithaupt, Incorporation Conrad Stuebing, John Ruppel, John Ratz, Joshua S. Bowman, George Allan, James Cross, Robert McKim, John Landerkin, Charles Hendry, and John Ogden, together with such persons 20 and corporations as shall, in pursuance of this Act, become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the Waterloo, Wellington and Georgian Bay Railway Company.

2. The several clauses of the Railway Act of Ontario, and Railway Act

the several clauses of the Kallway Act of Ontario, and Railway the several clauses thereof with respect to "interpretation," to apply. "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," "actions for indemnity and fines, and penalties and their prosecution," and "general provisions," shall be deemed to be part of this Act, and shall apply to the said

- 35 company, and to the railway to be constructed by them, except so far as may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid.
- 3. The said company shall have full power and authority Location of under this Act to construct a railway from the Town of Water-line. loo, in the County of Waterloo, to the Village of Arthur, or to the Village of Harriston, in the County of Wellington, or to

some intermediate point between the said Village of Arthur and the said Village of Harriston, via the Village of St. Jacobs, and the Village of Elmira, in the County of Waterloo, and via the Village of Drayton, in the County of Wellington.

Gauge.

4. The gauge of the said railway shall not be less than four 5 feet, eight and a half inches.

Form of conveyances.

5. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule A, hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and 10 assigns, of the estate or interest and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more 15 than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Provisional directors. 6. From and after the passing of this Act, the said Elias W. B. Snider, Isaac E. Bowman, Louis Breithaupt, Conrad Stuebing, 20 John Ruppel, John Ratz, Joshua S. Bowman, George Allan, James Cross, Robert McKim, John Landerkin, Charles Hendry, and John Ogden shall be the provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors, until others shall be ap-25 pointed as hereinafter provided, shall constitute the board of directors of the said company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so appointed shall become and be provisional directors of the company equally 30 with themselves; to open stock books and to procure subscriptions for the undertaking, to make calls upon subscribers; to cause surveys and plans to be executed; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and with all such other powers as under 35 the Railway Act and any other law in force in Ontario, are vested in such boards.

Appropriation of land.

8. It shall and may be lawful for the said company to pass over any portions of the country between the points in the third section mentioned, and to take and appropriate for the 40 use of the said railway and the works connected therewith so much of the land as may be necessary for the works of the said railway.

Capital stock.

9. The capital of the company hereby incorporated shall be fifty thousand dollars (with power to increase the same in the 45 manner provided by the said Railway Act) to be divided into one thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied, in the first place, for the payment of all expenses for procuring the 50 passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

10. When, and as soon as shares to the amount of twenty thousand dollars in the capital stock of the company shall have of directors. been subscribed, and ten per centum shall have been paid into

one of the chartered banks of the Dominion, the provisional 5 directors, or a majority of them present, at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in one newspaper, published in the Town of Waterloo, and in the Ontario Gazette, of the time, place and object of such

10 meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as herein-

- 15 after mentioned, who, together with the ex-officio directors, under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office for one year, or until their successors are elected.
- 11. The sums so paid shall not be withdrawn from the bank Application 20 except for the purposes of this Act.

 Application of moneys.
- 12. The directors for the time being may, from time to time, Calls. make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be 25 given of each call as provided in section ten of this Act.
- 13. Thereafter the general annual meeting of the share-General anholders of the company shall be held in such place, on such days nual meetings, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, as pro30 vided in section ten.
- 14. Special general meetings of the shareholders of the said Special genecompany may be held in such places and at such times and in ral meetings. such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in 35 section ten.
 - 15. In the election of directors under this Act, no person Qualification shall be elected a director unless he shall be the holder and of directors. owner of at least ten shares of the stock of the said company upon which all calls have been paid up.
- 40 16. Aliens as well as British subjects, and whether resident Shareholders: in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.
- 45 17. At all meetings of the board of directors, four shall form Quorum. a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

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18. It shall be lawful for any municipality, or any por-Aid from mution of any township municipality which may be inter-nicipalities.
50 ested in securing the construction of the said railway, or through any part of which, or near which, the railway or works

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of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall 5 think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the 10 passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

Petitions for aid by county municipality. 19. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of 15 twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act.

Petitions for aid by other than county municipality.

20. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county muni- 20 pality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire 25 to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are quali-30 fied voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the 35 construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval 40 of the qualified voters of the said portion of such township municipality;

1. For raising the amount so petitioned for by such free-holders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or by annual 45 instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition;

2. For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal an-50 nual special rate, as near as may be, sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Council to pass by-law.

21. And in case such by-law be approved or carried by the 55 the majority of the votes given thereon, then within one month

after the date of such voting, the said council shall read the said by-law a third time and pass the same.

22. Within one month after the passing of such by-law, When debenthe said council and the warden, mayor, reeve, or other head the three to be issued. thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

23. In ease any bonus be so granted by a portion of a muni-Rate assessed cipality the rate to be levied for payment of the debentures is- on portion of municipality. sued therefor and the interest thereon shall be assessed and 10 levied upon such portion only of the municipality.

24. The provisions of the Municipal Act, so far as the same Municipal Act are not inconsistent with this Act, shall apply to any by-law to apply. so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole muni-15 eipality.

25. All by-laws to be submitted to such vote for granting Rate not to bonuses to the said company not requiring the levy of a greater exceed three annual rate for all purposes, exclusive of school rates, than dollar. three cents on the dollar of the ratable property affected 20 thereby, shall be valid.

26. It shall be lawful for the corporation of any munici-Exemptions pality through any part of which the railway of the said com- from taxation pany passes or is situate by by-law specially passed for that purpose to exempt the said company and its property within 25 such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for 30 such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

27. Whenever any municipality or portion of a township Delivery of municipality shall grant aid by way of bonus or gift to debentures. the said company, the debentures thereof shall, within six 35 months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the councils of the municipalities, which have granted bonuses; all of the trustees to be residents of the Pro-

40 vince of Ontario; Provided if the municipal councils interested Provise. shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee; in the event of the death, resignation or inability, or

45 refusal to act of any trustee the party who originally appointed such trustee so dying, resigning or becoming incapable, or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such 50 trustee.

Trusts of debentures.

28. The said trustees shall receive the said debentures in trust: firstly, under the instructions of the directors of the company, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, 5 in the name of the Waterloo, Wellington and Georgian Bay Railway Company Municipal Trust Account, and to pay the same to the company, from time to time, on the certificate of the chief engineer of the said company, in the form set out in schedule B hereto, or to the like effect, setting out how the 10 money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees; if the said Engineer shall knowingly or wilfully certify to any fulse or incorrect statements 15 of the quantities or measurements of the work from time to time performed and estimated on, for each such false or incorrect statement in addition to any other punishment by law imposed such Engineer shall be liable to a penalty of two hundred dollars.

29. The act of any two of such trustees shall be as valid Act of two trustees valid and binding as if the three had agreed.

Power to issue bonds.

30. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, 25 shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal convey- 30 ance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipment then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortga-53 gee and incumbrancer pro rata with all the other holders thereof, upon the undertaking and property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of six thousand dollars per mile, nor shall the amount of such bonds issued at 40 any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Provinces of Ontario or Quebec; and Provided further 45 that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of

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31. All such bonds, debentures and other securities, and coupons, and interest warrants thereon respectively, may be made

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quired to do so by any holder thereof.

bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to 50 shareholders; Provided that the bonds and any transfers there-

of shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being re-

Transfer of

payable to bearer, or transferable by delivery, and any holder of any such bonds, debentures or other securities, so made payable to bearer, may sue at law thereon in his own name.

32. The said company shall have power and authority Power to beto become parties to promissory notes or bills of exchange, come parties to notes, &c. and every promissory note and bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary thereof, and under the authority of a quorum of the directors shall be binding

10 on the said company, and shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president be individually respon-15 sible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted Provided however that nothing in this section shall be con-Proviso. strued to authorize the said company to issue any note or bill 20 of exchange payable to bearer or intended to be circulated as

33. Whenever it shall be necessary for the purpose of pro- Power to accuring sufficient lands for stations or gravel-pits for construct-quire whole ing, maintaining and using the said railway, and in case by lots. 25 purchasing the whole of any lot or parcel of land, over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by pur-

money or as the notes or bills of banks.

chasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if 30 the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

34. When stone, gravel, earth or sand is or are required for Arbitration as 35 the construction or maintenance of said railway, or any part to stone, thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate, for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a 40 copy thereof with their notice of arbitration, as in case of ac-

quiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special

45 Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining of

50 materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state 55 the interest required

Power to make sidings to gravel pits,

35. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found 5 whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said company, except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are 10 situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section, may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said 15

2. When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the

Act respecting Railways shall not apply.

pletion of railway.

36. The railway shall be commenced within five years and 20 ment and com- finally completed within ten years after the passing of this Act.

Power to

37. The said company hereby incorporated may, from time pledge bonds. to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Arrangements with other railways.

38. The company incorporated by this Act may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such arrangement for the construction, leasing, or working of the said railway, on such terms and conditions as the directors of 30 the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements 35 with any other company touching the use by one or the other or by both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding 40 according to the contract terms thereof; Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a special general meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act, and the compny or companies leasing or 45 entering into such agreement for using the said railway may, and are hereby authorized to work the sail railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within 50 the legislative authority of this Province.

Proviso.

Power to build in sections.

39. The said railway may be constructed in sections, the first of such sections to extend from the Town of Waterloo to the Village of St. Jacobs, the second section from the Village of St. Jacobs to the Village of Elmira, the third section from 55 the Village of Elmira to the Village of Drayton, and the fourth

section from the Village of Drayton to the northern terminus of the said road, and it shall be lawful for any municipality or any portion of any township municipality to aid and assist the said company to construct any one of the aforesaid sections of 5 the said road, to the same extent and in the same manner as such aid or assistance may be given to the whole road, under any of the clauses of this Act, and in the event of the said company failing to complete the whole of the said road within the time specified in this Act for its completion, but completing 10 any one or more sections of the said road within the time fixed for the completion of the said road, then and in that case this charter shall remain valid and continue in force for such section or sections of the said road as may be so completed as fully and effectually as if the whole road had been completed

15 within the specified time.

SCHEDULE A.

(See Section 5.)

Know all men by these presents that I, (or we) (insert the name or names of the vendors) in consideration of dollars paid to me (or us) by the Waterloo, Wellington and Georgian Bay Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (insert name of any other party or parties) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Waterloo, Wellington and Georgian Bay Railway Company, their successors and assigns (here insert any other clauses, conditions and covenants required) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , one thousand eight hundred and seventy .

Signed sealed and delivered } (L. S.)

SCHEDULE B.

(See Section 28.)

Chief Engineer's Certificate.

The Waterloo, Wellington and Georgian Bay Railway Company's Office.

Engineer's Department, No.

A.D. 187

Certificate to be attached to cheques drawn on the Waterloo, Wellington and Georgian Bay Railway Company Municipal Trust Account, given under section chapter Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I. A. B., Chief Engineer for the Waterloo, Wellington and Georgian Bay Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the of (or under the agreement dated the day of beand the said company) to tween the Corporation of entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

(Reprinted as Amended.)

An Act to incorporate the Waterloo, Wellington and Georgian Bay Railway Com-

4th Session, 3rd Parliament,

42

Vic.,

1879

No. 59

MR. SPRINGER.

An Act to extend the powers of the Hand in Hand Mutual Fire Insurance Company.

THEREAS the Hand in Hand Mutual Fire Insurance Preamble. Company has, by petition, prayed to be authorized to raise a share capital and to transact a cash premium business as well as a mutual business; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The Hand in Hand Mutual Fire Insurance Company Stock. 10 may raise a share or stock capital of not less than one hundred thousand dollars, and may increase the same from time to time to a sum not exceeding five hundred thousand dollars.

2. The said capital shall consist of shares of one hundred Shares. dollars each, and shall be allotted rateably to such persons as 15 may subscribe therefor, in the manner prescribed by the board of directors.

3. Every subscriber shall, upon allotment of one or more Liability of shares to him, become a member or corporator of the said Shareholders. company, with all incidental rights, privileges and liabilities; 20 and shall be liable to pay the amount of such shares to the company, in such proportions, and at such times as may from time to time be fixed by the board of directors; Provided Proviso. that no call upon any share shall be for a greater sum than ten per centum of the amount thereof, nor shall a less interval 25 than one calendar month intervene between the times fixed for the payment of successive calls; and provided that no Proviso. shareholders shall be liable for the debts, engagements, or liabilities of the company or otherwise howsoever, beyond the

4. The said shares shall be transferable, but no transfer Transfer of 30 shall be valid unless made on the books of the said company; shares. and, until fully paid up, no share shall be transferable without the consent of the board of directors, nor shall any transfer be valid while any call previously made remains unpaid; and the 35 company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company, and for any obligation held by the company against him, and after such Company to call, debt, or obligation becomes due, the company may, upon have a lien. one month's notice to the shareholder, his executors, or admin-40 istrators, sell such shares or a sufficient portion thereof to pay

amount of his said shares or any balance unpaid thereof.

such calls, debt or obligation, and transfer the shares so sold to the purchaser.

Forfeiture of shares.

5. The company may, also, after default made in the payment of any call upon any share for one month, without any further notice, declare such share and all sums previously paid thereon forfeited to the company, and the company may sell or reissue forfeited shares on such terms as they shall think fit for the benefit of the company.

When company may commence this act.

6. After the sum of one hundred thousand dollars of the said stock or share capital has been bona fide subscribed, and 10 business under ten per centum paid thereon into the funds of the said company, the said company may make insurances for premiums payable wholly in cash; and thereupon the provisions of the Ontario Insurance Act relating to mutual insurance companies shall apply to this company, but 15 no insurance on the wholly cash principle shall make the insurer a member or corporator of the company, or make him liable to contribute or pay any sum to the company or to its funds or to any other member thereof, beyond the cash premium agreed upon, or give him any right to any par- 20 ticipation in the profits or surplus funds of the company.

Dividends.

7. The net profits and gains of the said company shall be applied, in the first place, to pay a dividend on the said share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner pro- 25 vided by the by-laws of the company.

Qualification of directors.

8. After the share capital has been raised, as aforesaid, no person shall be eligible or qualified to be a director of the said company, unless in addition to the qualification required by the fourteenth section of the Act respecting Mutual Fire 30 Insurance Companies, he is also a holder of shares of the said capital stock to the amount of five thousand dollars, on which all calls have been fully paid and satisfied.

By-laws.

9. The board of directors may make such by-laws as may be necessary to carry the provisions of this Act into effect; 35 and may rescind, alter, vary, or add to the same from time to time.

Fire Policy

10. The Fire Insurance Policy Act shall apply to the said company.



4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to extend the powers of the Hand in Hand Mutual Fire Insurance Company.

1st Reading.

1879.

PRIVATE BILL.

MR. HARCOURT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to extend the powers of the Hand in Hand Mutual Fire Insurance Company.

HEREAS the Hand in Hand Mutual Fire Insurance Preamble. VV Company has, by petition, prayed to be authorized to raise a share capital and to transact a cash premium business as well as a mutual business; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The Hand in Hand Mutual Fire Insurance Company Stock, 10 may raise a share or stock capital of not less than one hundred thousand dollars, and may increase the same from time to time to a sum not exceeding five hundred thousand dollars.

2. The said capital shall consist of shares of one hundred Shares. dollars each, and shall be allotted rateably to such persons as 15 may subscribe therefor, in the manner prescribed by the board of directors.

3. Every subscriber shall, upon allotment of one or more Liability of shares to him, become a member or corporator of the said Shareholders. company, with all incidental rights, privileges and liabilities; 20 and shall be liable to pay the amount of such shares to the company, in such proportions, and at such times as may from time to time be fixed by the board of directors; Provided Proviso. that no call upon any share shall be for a greater sum than ten per centum of the amount thereof, nor shall a less interval 25 than one calendar month intervene between the times fixed for the payment of successive calls; and provided that no shareholders shall be liable for the debts, engagements, or liabilities of the company or otherwise howsoever, beyond the amount of his said shares or any balance unpaid thereof.

4. The said shares shall be transferable, but no transfer Transfer of shall be valid unless made on the books of the said company; shares. and, until fully paid up, no share shall be transferable without the consent of the board of directors, nor shall any transfer be valid while any call previously made remains unpaid; and the 35 company shall have a lien on the shares of any sharcholder for unpaid calls or other debts due by him to the company, and for any obligation held by the company against him, and after such Company to call, debt, or obligation becomes due, the company may, upon have a lien. one month's notice to the shareholder, his executors, or admin-40 istrators, sell such shares or a sufficient portion thereof to pay

such calls, debt or obligation, and transfer the shares so sold to the purchaser.

Forfeiture of

5. The company may, also, after default made in the payment of any call upon any share for one month, and after notice having been first given as in the next preceding section mentioned, declare such share and all sums previously paid thereon forfeited to the company, and the company may sell or reissue forfeited shares on such terms as they shall think fit for the benefit of the company.

When company may this act.

6. After the sum of one hundred thousand dollars of the 10 said stock or share capital has been bona fide subscribed, and business under twenty per centum paid thereon into the funds of the said company, the said company may make insurances for premiums payable wholly in cash; and thereupon the provisions of the Ontario Insurance Act relating to mutu-15 al insurance companies shall apply to this company, but no insurance on the wholly cash principle shall make the insurer a member or corporator of the company, or make him liable to contribute or pay any sum to the company or to its funds or to any other member thereof, beyond the 20 cash premium agreed upon, or give him any right to any participation in the profits or surplus funds of the company.

Dividends.

7. The net profits and gains of the said company shall be applied, in the first place, to pay a dividend on the said share capital, not exceeding the rate of ten per centum per annum, 25 and the surplus, if any, shall be applied in the manner provided by the by-laws of the company.

Qualification of directors.

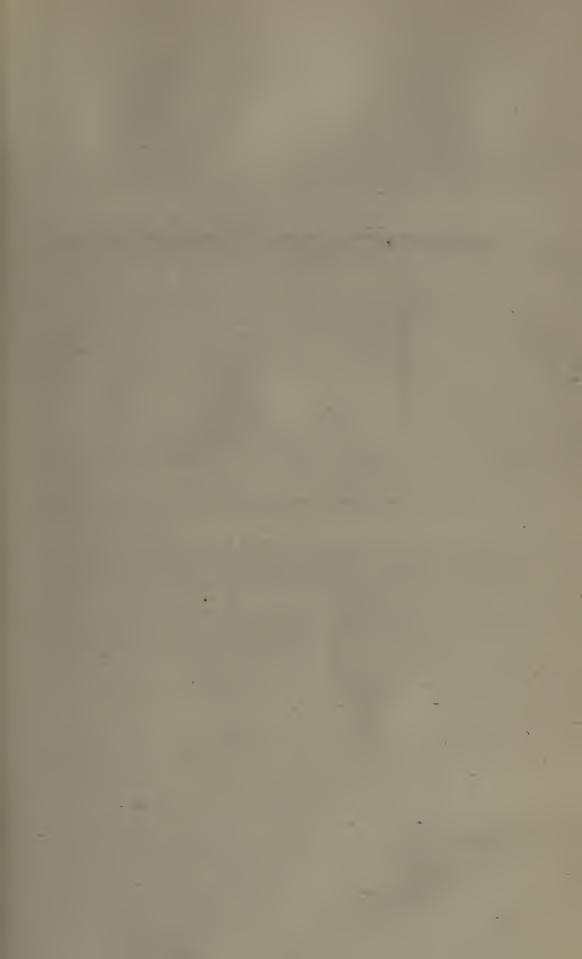
8. After the share capital has been raised, as aforesaid, no person shall be eligible or qualified to be a director of the said company, unless in addition to the qualification required 30 by the fourteenth section of the Act respecting Mutual Fire Insurance Companies, he is also a holder of shares of the said capital stock to the amount of two thousand five hundred dollars, on which all calls have been fully paid and satisfied.

By-laws.

9. The board of directors may make such by-laws as may 35 be necessary to carry the provisions of this Act into effect; and may rescind, alter, vary, or add to the same from time to time.

Fire Policy Act.

10. The Fire Insurance Policy Act shall apply to the said company.



4th Session, 3rd Parliament, 42 Vic., 1879.

RILL

An Act to extend the powers of the Hand in Hand Mutual Fire Insurance Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

MR. HARCOURT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to extend the powers of the Hand in Hand Mutual Fire Insurance Company.

THEREAS the Hand in Hand Mutual Fire Insurance Preamble. Company has, by petition, prayed to be authorized to raise a share capital and to transact a cash premium business as well as a mutual business; and whereas it is expedient to 5 grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The Hand in Hand Mutual Fire Insurance Company Stock. 10 may raise a share or stock capital of not less than one hundred thousand dollars, and may increase the same from time to time to a sum not exceeding five hundred thousand dollars.

2. The said capital shall consist of shares of one hundred shares. dollars each, and shall be allotted ratably to such persons as 15 may subscribe therefor, in the manner prescribed by the board of directors.

3. Every subscriber shall, upon allotment of one or more Liability of shares to him, become a member or corporator of the said Shareholders. company, with all incidental rights, privileges and liabilities;

20 and shall be liable to pay the amount of such shares to the company, in such proportions, and at such times as may from time to time be fixed by the board of directors; and at all meetings of the company each shareholder shall be entitled to one vote for each share held by him on which all calls shall

25 have been paid; provided that no shareholder shall be liable Proviso. for the debts, engagements, or liabilities of the company or otherwise howsoever, beyond the amount of his said shares or any balance unpaid thereof.

4. The said shares shall be personal estate and shall be Transfer of 30 transferable, but no transfer shall be valid unless made on shares. the books of the said company; and, until fully paid up no share shall be transferable without the consent of the

board of directors, nor shall any transfer be valid while any call previously made remains unpaid; and the com-35 pany shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company, and for Company to any obligation held by the company against him, and after such have a lien. call, debt, or obligation becomes due, the company may, upon

one month's notice to the shareholder, his executors, or admin-40 istrators, sell such shares or a sufficient portion thereof to pay such call, debt or obligation, and transfer the shares so sold to the purchaser.

Forfeiture of shares.

5. The company may, also, after default made in the payment of any call upon any share for one month, and after notice having been first given as in the next preceding section mentioned, declare such share and all sums previously paid thereon forfeited to the company, and the company may sell or reissue forfeited shares on such terms as they shall think fit for the benefit of the company.

When company may commence business under this act.

6. After the sum of one hundred thousand dollars of the said stock or share capital has been bona fide subscribed, and twenty per centum paid thereon into the funds of the said company, the said company may make insurances for premiums payable wholly in cash; but no insurance on the wholly cash principle shall make the insured a member or corporator of the company, or make him liable to contribute or pay any sum to the company or to its funds or to any other member thereof, be-15 youd the cash premium agreed upon, or give him any right to any participation in the profits or surplus funds of the company, but the company shall not transact any such business on the wholly cash principle without first procuring a license from the Provincial Treasurer, and for this purpose the provisions 20 of the Ontario Insurance Act, except section nine shall apply to the Company, except so far as anything contained therein may be inconsistent with this Act.

Dividends.

7. The net annual profits and gains of the said company not including therein any premium notes or undertakings shall 25 be applied, in the first place, to pay a dividend on the said share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company.

Qualification of directors.

8. After the share capital has been raised, as aforesaid, no 30 person shall be eligible or qualified to be a director of the said company, unless in addition to the qualification required by the fourteenth section of the Act respecting Mutual Fire Insurance Companies, he is also a holder of shares of the said capital stock to the amount of five thousand dollars, on which 35 all calls have been fully paid and satisfied.

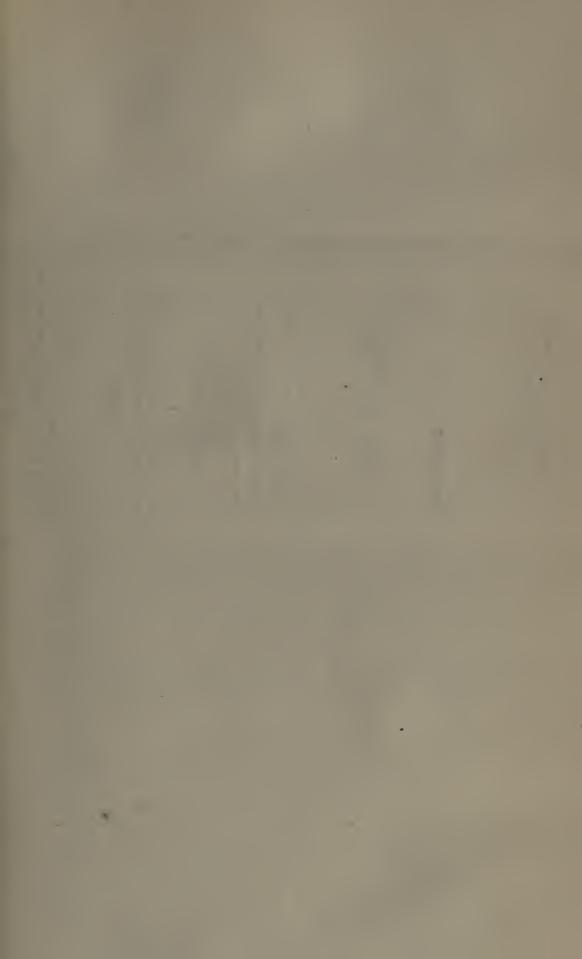
Premiums for insurance on mutual principle.

9. The premium to be taken for every insurance by the company on the mutual principle shall consist of a sum of money to be paid in cash, and an undertaking in writing by the insured, to pay a further sum not exceeding the sum paid 40 in cash, as the same shall be assessed and demanded by the company according to law and the by-laws of the company.

By-laws.

10. The board of directors may make such by-laws as may be necessary to carry the provisions of this Act into effect; and may rescind, alter, vary, or add to the same from time to 45 time.

Fire Policy Act. 11. The Fire Insurance Policy Act shall apply to the said company.



4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act to extend the powers of the Hand in Hand Mutual Fire Insurance Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

2nd " 10th February, 1879.

(PRIVATE BILL.)

MR. HARCOURT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to legalize a certain By-law of the Town of Strathroy.

HEREAS the Corporation of the Town of Strathroy on Preamble.

the day of January, one thousand eight hundred and seventy-nine, passed a by-law, having first submitted the same to the electors of said municipality for their sanction, intituled "By-law number of the Corporation of the Town of Strathroy to grant aid, by way of loan, to Richard Pincombe in the manner therein mentioned," granting aid to the said Richard Pincombe, by loaning him debentures of the said town to the amount of ten thousand dollars, and the said 10 corporation have petitioned to have the said by-law legalized, and to be authorized to issue debentures thereunder acording to the terms thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. By-law number - of the Town of Strathroy passed on the day of January, in the year of our Lord, one thousand eight hundred and seventy-nine, intituled by20 law number of the Corporation of the Town of Strathroy, to grant aid by way of loan to Richard Pincombe in the manner therein mentioned, is hereby legalized and confirmed and declared valid and the said corporation is hereby authorized to issue debentures under and according to the 25 provisions of the said by-law and the same shall be valid and binding upon the said municipality and the ratepayers of the said town.

2. Nothing in this Act contained shall in any wise affect Conditions any condition or agreement upon which the loan or any part stated in bylaw not affectlaw not affect-

4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act to legalize a certain By-law of the Town of Strathroy.

1st Reading, 1879.

PRIVATE BILL.

MR.

TORONTO: PRINTED BY HUNTER, Rose & Co. An Act to legalize a certain By-law of the Town of Strathroy.

THEREAS the Corporation of the Town of Strathroy on Preamble. the twentieth day of January, one thousand eight hundred and seventy-nine, passed a by-law, having first submitted the same to the electors of said municipality for their sanc-5 tion, intituled "By-law number one hundred and fourteen of the Corporation of the Town of Strathroy to grant aid, by way of loan, to Richard Pincombe in the manner therein mentioned," granting aid to the said Richard Pincombe, by loaning him debentures of the said town to the amount of ten 10 thousand dollars, and doubts exist as to the power to make such loan, and the said corporation have petitioned to have the said by-law legalized, and to be authorized to issue debentures thereunder according to the terms thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. By-law number one hundred and fourteen of the Town By-law conof Strathroy passed on the twentieth day of January, in the 20 year of our Lord, one thousand eight hundred and seventy-nine, intituled "By-law number one hundred and fourteen of the Corporation of the Town of Strathroy, to grant aid by way of loan to Richard Pincombe in the manner therein mentioned," is hereby legalized and confirmed and declared 25 valid and the said corporation is hereby authorized to issue debentures under and according to the provisions of the said by-law and the same shall be valid and binding upon the said municipality and the ratepayers of the said town.

2. Nothing in this Act contained shall in any wise affect Conditions 30 any condition or agreement upon which the loan or any part law not affect-thereof mentioned in the said by-law is to be given to the said ed by this Richard Pincombe.

4th Session, 3rd Parliament, 42 Vic., 1879.

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An Act to legalize a certain By-law of the Town of Strathroy.

(Reprinted as Amended.)

1st Reading, 28th January, 1879.

(PRIVATE BILL.)

MR. HAY.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Toronto Fire Insurance Company.

HEREAS H. S. Howland, John Turner, W. D. Matthews, Preamble. Nicol Kingsmill, Alexander Niven, C. R. W. Biggar, Lyman Moore, J. C. Fitch, T. C. Livingston, the Honourable Frank Smith, Senator, and others, have, by their petition, re-5 presented that the establishment of an association for the insurance of risks would be greatly beneficial, and have prayed for an Act of incorporation for the purpose of carrying on a business of that nature, under the name of "The Toronto Fire Insurance Company;" and whereas it is expedient to grant the 10 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

- 1. All such persons as shall become shareholders of the said Incorporation. 15 company shall be, and are hereby ordained, constituted, and declared to be, a body corporate and politic in law, in fact, and in name, by the style and title of The Toronto Fire Insurance Company, for the purpose of carrying on the business of insurance, and doing all things appertaining thereto, or connect-20 ed therewith, and shall and may have perpetual succession, and shall be capable in law of contracting, and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity, in their corporate name aforesaid; and they and their successors shall and may have a com-25 mon seal, and may change the same at their will and pleasure.
- 2. The capital stock of the said company shall be one hun-stock. dred thousand dollars, divided into one thousand shares of one hundred dollars each; with the privilege to increase the number of shares from time to time, by a vote of the directors at 30 any ordinary or special meeting; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.
- 3. For the purpose of organizing the said company, the several Provisional 35 persons above named shall be provisional directors thereof; and Directors. they, or a majority of them, may cause stock-books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily papers published in the City of Toronto, Ontario, upon which stock-books shall be 40 recorded the subscriptions of such percens as shall desire to

become shareholders in the said company; and such books shall be opened in the said City of Toronto and elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they deem it necessary; and the provisional directors are hereby authorized to receive from the sharehold- 5 ers a deposit of five per centum on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining the passing of this Act.

Election of directors.

4. When fifty thousand dollars of the said capital stock shall 10 have been subscribed as aforesaid, and at least ten per centum of the amount so subscribed paid into one or more chartered banks, to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the company, the said provisional directors may call a general meeting 15 of shareholders at some place to be named in the said City of Toronto, giving at least ten days' notice thereof in the Ontario Gazette, and also in some daily newspaper published in the said city, at which meeting the shareholders present in person or represented by proxy shall elect a board of directors, com- 20 posed of not less than five persons (the number to be determined by the shareholders), in the manner and qualified as by this Act provided, who shall hold office for one year after their election.

Shareholders.

5. Aliens, as well as British subjects, and whether resident 25 in Canada or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office as directors or otherwise in the said company.

Board of

6. The stock, property, affairs and concerns of the said com- 30 directors; pany shall be managed and conducted by the board of directerm of office. tors, who shall hold office until the next annual general meeting of shareholders and election of directors, to be holden at Toronto, Ontario, on the anniversary of the first election of directors, or on such other day in each year as may be appointed 35 by by-law, not less than ten days' notice of such meeting being

Election.

given, as provided in section four; the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the directors, and then due; and all such elections shall be by 40

Ballot.

ballot; and the requisite number of persons, as determined under the provisions of section twelve, who shall have the greatest number of votes at any such election shall be direc-

Decision in case of an equality of votes.

tors, except as hereinafter provided; and if two or more persons have an equal number of votes in such a manner that a 45 greater number of persons than the number required (such number to be determined as aforesaid) shall appear to be chosen as directors, then the directors who shall have the greater number of votes, or a majority of them, shall deter-

manner to elect by ballot one of their number to be president

mine which of the said persons so having an equal number of 50 votes shall be the director or directors, so as to complete the President and whole number required as aforesaid; and the said directors, vice-president as soon as may be after the said election, shall proceed in like

and one to be vice-president; and if any vacancy should at Vacancies any time happen amongst the said directors, by death, resignation, disqualification, or removal, during the current year of office, such vacancy may be filled for the remainder of the year 5 by the remaining directors, or a majority of those of them present at any meeting, electing in such place a shareholder eligible for such office: Provided always that no person, except Proviso: as hereinafter provided, shall be eligible to be or continue as a Qualification of director. director unless he shall hold stock in the said company to the 10 amount of ten shares, whereof at least ten per centum shall have been paid in, and shall have paid all calls made and due

7. In case it should at any time happen that an election of Failure to directors of the said company should not be made on any day elect directors not to operate 15 when, pursuant to this Act, it should have been made, the said as a dissolution company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election, at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new 20 election is made; at any time subsequent to the first election of directors, the number thereof may be determined as provided for in section twelve; but, in default of any by-law, rule, regulation, or ordinance, fixing the number of directors, the number

8. At the annual meeting of the shareholders, the election Business at of directors shall be held and all business transacted without ings. the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance-sheet 30 and statement of the affairs of the company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders; special general meetings of shareholders may be special generalled in such manner as may be provided for by the by-laws; al meetings.

thereof shall remain the same as determined by the sharehold-

35 and at all meetings of the shareholders the president, or, in his absence, the vice-president, or, in the absence of both of them, a director or shareholder, chosen by the shareholders, shall preside, who, in case of an equality of votes, shall give the Who to precasting vote in addition to his vote as a shareholder.

9. At all general meetings of the said company each share- votes on holder shall be entitled to give one vote for every share held shares. by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy; and all Majority to 45 questions proposed for the consideration of the shareholders decide. shall be determined by the majority of votes, the chairman pre-

siding at such meeting having the casting vote in case of an

equality of votes; all persons entitled to vote at any meeting Proxies. of shareholders may, by writing under their hands (or, if such 50 persons be a corporation, then under their common seal) con-

stitute any person their proxy to vote at any such meeting; no person shall be entitled to vote as a proxy unless he shall be a shareholder, and unless such appointment shall have been produced to the secretary and entered in a book to be kept by

55 him for such purpose.

upon his said stock.

25 ers at the first election of directors.

Representa-tion of stock held in trust.

10. Every executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder.

Quorum.

11. At all meetings of directors three shall be a quorum for 5 the transaction of business; and all questions of business shall be decided by a majority of votes, and in case of an equality of votes, the president, vice-president, second vice-president, or presiding director shall give the casting vote in addition to his vote as a director; at all such meetings the president, or, in 10 his absence, the vice-president, or, in the absence of both, the second vice-president, or, in the absence of all of them, a director, chosen by a majority of the directors present, shall preside.

Powers of directors.

12. The directors shall have full power and authority, from 15 time to time, to make, amend, repeal, or re-enact such by-laws, rules, regulations, and ordinances as shall appear to them proper and needful, touching the well ordering of the company, the management and disposition of its stock, property, estate, and effects; the calling of special general meetings, the 20 regulation of the meetings of the board of directors, the increasing or the decreasing of the number of directors; the increasing of the capital stock; the appointment of a second vice-president, a general manager, and a secretary, and of local boards to facilitate the details of business, and the definition of 25 the duties and powers of such local boards; the making of calls upon the subscribed capital; the issue and allotment of shares; the appointment and removal of officers and agents of the company; the regulation of their powers and duties, and the reinuneration to be paid to them; the regulation of the transfer 30 of stock and the form thereof; the compensation of directors; the establishment and regulation of agencies; the adjusting and paying of all claims against the company; the determining of rates, rules, and conditions, under which the company's policies shall be issued, transferred or repurchased, and generally 35 to do all other necessary matters and things they may deem expedient in conducting and managing the interests, business and affairs of the company.

Dividends.

Participation by policy-hold

Proviso.

Acts of direcnotwithstanding defects of election, etc.

13. The directors of the company, at a meeting held for such specified purpose, may declare such annual or semi-annual, or 40 quarterly dividends upon the capital stock as they shall deem justified by its business; the directors may also, by resolution, order that the holders of policies shall be paid such proportion of the actual realized profits, in such portions, at such times, and in such manner as the said directors may think proper, and 45 may enter into obligations so to do, either by endorsement on the policies or otherwise: Provided always, that the holders of the policies so participating in the profits shall not be in any wise answerable or responsible for the debts of the said company; all acts done by any meeting of the directors, or by any 50 tors to be valid person acting as a director shall, not withstanding it may afterwards be discovered that there was some defect or error in the appointment of any person attending such meeting as a director, or acting as aforesaid, or that such person was disqualified.

be as valid as if any such person had been duly appointed and was qualified to be a director.

14. The shares of capital stock subscribed for shall be paid Calls on shares in and by such instalments and at such times and places as the 5 directors shall appoint; no such instalment shall exceed ten per cent., of which call thirty days' notice shall be given; and executors, administrators, and curators paying instalments upon the shares of deceased shareholders shall be and they are hereby respectively indemnified for paying the same.

15. The directors may, if they think fit, receive from any Payment in shareholder willing to advance the same, all or any part of the advance by amount due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance as shall from time to time exceed the amount of the 15 calls then made upon the shares in respect of which such ad-

vance shall be made, the company may pay interest at such rate not exceeding ten per centum per annum, as the shareholder paying such sum in advance and the directors shall agree upon.

16. If any instalment upon any share be not paid when due, Forfeiture and the directors may declare such share forfeited, together with sales of shares for non-paythe amount previously paid thereon, in such manner as may ment be provided by the by-laws; and such forfeited share may be sold at a public sale by the directors, after such notice as they

25 may direct; and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the Proviso: money realized by any sale of shares be more than sufficient Surplus to be to pay all arrears and interest, together with the expenses of owner. such sale, the surplus of such money shall be paid, on demand,

30 to the owner; and no more shares shall be sold than are deemed necessary to pay such arrears, interest and expenses.

17. If payment of such arrears of calls, interest, and ex-Payment bepenses be made before any share so declared forfeited shall fore sale. have been sold, such share shall revert to the owner, as if the

35 same had been duly paid before forfeiture thereof; and in all Actions for actions or suits for the recovery of such arrears or calls, it shall calls. be sufficient for the company to allege that the defendant, being the owner of such shares, is indebted to the said company in such sum of money as the calls in arrear amount to,

40 for such and so many shares, whereby an action hath accrued to the company by virtue of this Act; and on the trial it shall be only necessary to prove that the defendant was owner of the said shares in the company, that such calls were made, and that notice was given as directed by this Act; and it shall not

45 be necessary to prove the appointment of the directors who made such calls, or any matter whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the company, certified to be a true copy under the hand of the president or one of the

50 vice-presidents, or the general manager or secretary of the company, and sealed with the corporate seal, shall be received in all courts and proceedings as prima facie evidence of such bylaw, rule, regulation, minute or entry, without further proof 64-2

thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Transfer of stock.

Proviso.

18. No transfer of any share of the stock of the said company shall be valid until entered in the books of the said company, according to such form as may, from time to time, be 5 fixed by the by-laws; and until the whole of the capital stock of the said company is paid up it shall be necessary to obtain the consent of the directors to such transfer being made: Provided always, that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend un-10 til such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall, at any time, be made until all calls thereon have been paid in.

Liability of shareholders.

19. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount 15 unpaid on the stock held by him, for the debts and liabilities of the company, but no further; he shall not, however, be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the 20 amount recoverable with costs against such shareholder, and the shares shall be deemed personal estate.

Proof of transmission of shares otherwise than by ordinary transfer.

20. The transmission of any shares of the stock of the company, in consequence of the marriage, death or insolvency of a shareholder, or by any other means than an ordinary transfer, 25 shall be made, proved, and authenticated in such form, by such proof, and generally in such manner as the directors shall from time to time require, or by by-law direct, before any person claiming such shares shall be entitled to vote thereon or to receive any dividends or money payable in respect thereof.

Powers of company.

21. The said company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, explosion, lightning, or from any other cause, on any house, store or other building whatsoever, and in like manner on any 35 goods, chattels, or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the company and the person or persons agreeing with them for such 40 insurance, and generally to do all matters and things relating to or connected with the business of insurance, and to make and to grant all policies therein and thereupon; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally 45 to do and perform all other necessary matters and things connected with and proper to promote those objects; but no policy or other contract shall be valid or binding on the company unless made under the seal of the company, and signed by the president or vice-president, or one of the directors, and coun- 50 tersigned by the secretary or general manager, except the "interim receipt of the company," which shall be binding upon the company on such conditions as may be thereon printed by

direction of the board, and then only when signed and issued by a duly authorized officer or agent of the company.

22. The company shall have power to acquire and hold real Real estate. estate for the purposes of its business, and to sell or dispose of 5 the same and acquire other property in its place, as may be deemed expedient; and to take, hold, and acquire all such lands and tenements, real or immovable estate, as shall have been bona fide mortgaged to it by way of security, or conveyed to it by way of security, or conveyed to it in satisfaction of 10 debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the company in respect thereof, or of the owners thereof; and to retain the same for a period not exceeding five years; 15 and the company may invest its funds or any part thereof in the public securities of the Dominion of Canada; or of any of the provinces thereof, or in the stocks of any chartered bank or building society, or in the bonds or debentures of any incorporated city, town, or municipality authorized to issue bonds 20 or debentures, or in mortgages on real estate, or in such other securities and in such manner as the directors may elect; and may from time to time vary or sell the said securities or mortgage, or pledge the same from time to time as occasion may require; the company shall also have power to borrow money 25 on the security of its debentures or promissory notes.

23. The company shall not be bound to see to the execution Trusts of of any trust, whether expressed, implied, or constructive, in shares, re-respect of any share; and the receipt of any stockholder, his attorney or agent, in whose name the same may stand in the 30 books of the company, shall be a valid and binding discharge to the company for any dividends or money payable in respect of such share, and whether or not notice of such trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

24. If any cheque, draft, acceptance, or promissory note Policies to be received by the company, or any of its officers or agents, in void, if cheque payment, either in whole or in part, of any premiums on any in payment be policies of insurance made or issued by the company, or on any dishonoured.

"interim receipts of the company," signed and issued by any

- 40 such officers or agents, be dishonoured or not paid when due, such policies or interim receipts shall thereupon be null and void, and the company discharged from all liability under the same or in respect thereof, but nothing shall relieve the assured from his liability to pay the company the amount of 45 such cheque, draft, acceptance or promissory note.
 - 25. The chief place of business for the company shall be in Head office. the City of Toronto, or elsewhere in the Province of Ontario, as the directors may determine.
- 26. In this Act the following words and expressions have Interpretation 50 the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, the word "policies" means insurance poli-

cies or contracts, or policies of insurance issued by the company; the expressions, "the directors," "the board of directors," mean the directors for the time being; "the company" means "The Toronto Fire Insurance Company."

Act respecting insurance companies to apply.

27. The company shall be subject to the provisions of the following panies to apply.

Act passed by the Legislative Assembly of the Province of Ontario, in the thirty-ninth year of Her Majesty's reign, chaptered twenty-three, and intituled "An Act respecting Insurance Companies."

An Act to incorporate the Industrial Exhibition Association of Ontario.

M' HEREAS the several persons, corporations, associations, Preamble. and societies hereinafter named have, by their petition, prayed that an association may be incorporated for the purpose of promoting industries, arts, and sciences generally, and 5 of establishing and holding agricultural, industrial, art, and other exhibitions at the City of Toronto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

10 as follows:

1. Angus Morrison, John Jacob Withrow, Philip Arm-Incorporation. strong, James McGee, Patrick George Close, Alexander Me-Gregor, Andrew Smith, William Rennie, George Leslie, the younger, William F. McMaster, Thomas Davison, Lucius R. 15 O'Brien, Edward Gurney, the younger, H. P. Dwight, and E. B. Shuttleworth, and others, the several representatives of the several societies, corporations and associations hereinafter named, together with all such other persons and representatives of other corporations, societies and associations as shall, under 20 the authority of this Act, be associated with them in, and become members of, the corporation hereby created, shall be a body politic and corporate, by the name of the Industrial Exhibition Association of Ontario, and, by that name, shall and may have perpetual succession, and a common seal, with power 25 to break and alter the same, and, by that name, shall and may sue and be sued in all courts of law and equity in this Province; and the said corporation shall have their principal place of business at Toronto, but may open such office or offices at such places as may be found necessary or convenient for the 30 purposes of their business.

2. The said association is hereby authorized and empowered, Exhibitions either permanently or periodically, in structures, buildings, en- authorized. closures, and places located in the City of Toronto or the Township of York, suitable for exhibition purposes, and for the 35 promotion of industries, arts, and sciences generally, to exhibit any and every variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral; to exhibit products, wares, goods, merchandise, machinery, mechanical inventions, and improvements of every nature, name and 40 kind, and such as are generally exhibited at fairs, including the various processes of manufacture; to exhibit paintings and statuary of any and every nature and kind; to exhibit and de-

Authority to acquire and dispose of property. velope the points and qualities of the several breeds of horses and other animals, by such competitive tests as may be humane and proper, and as may be deemed expedient, and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said association is here- 5 by further authorized in carrying on and maintaining the business aforesaid, and such other business as may be hereafter mentioned, to hold, own, and acquire, by lease, purchase, gift, or otherwise, property, real and personal, at such prices and on such terms and conditions as may be agreed upon, and may im- 10 prove and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper; and the said association is hereby further authorized to cultivate such portions of their grounds as they may deem proper for the propagation of plants, trees, shrubs, 15 etc., of a vegetable nature, and also to manufacture and raise articles and things required in the various exhibitions contemplated; and to sell, mortgage, lease, or otherwise dispose of any property at any time held by the said association: Provided always, and it is enacted, that the said association shall at no 20 time acquire or hold, as purchasers, any lands or tenements, or interests therein, exceeding in the whole, at any one time, the annual value of twenty thousand dollars, nor otherwise than for actual use or occupation for the purposes of the said 25 corporation.

Proviso.

Entrance fees, prizes, etc.

3. The said association is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting every thing contemplated by this Act; to charge such entrance fees, and to award, give, and pay to exhibitors such prizes, medals, and honorary distinctions as they may deem 30 proper, and to let or lease stalls, stands, rooms and places in any of their buildings or structures, or in any part of their grounds or property, upon such terms and conditions, and for such purposes, as the board of directors may deem best for the interests of the said association.

Members of association.

4. The Mayor of the City of Toronto, the Treasurer of the City of Toronto, the Chairman of the Executive Committee of the Council of the Corporation of the City of Toronto, and the standing committee thereof known as the Committee on Exhibitions (nine members), the officers and directors of the To- 40 ronto Electoral District Society (twelve in number), the Warden of the County of York, and two representatives, being members of the County Council of the County of York, to be named and appointed by the said council at the time of the appointment of the several standing committees thereof for the 45 year; five representatives, being members of the Manufacturers Association of Untario, representing five of the leading manufactures or industries, to be appointed at the annual meeting thereof; two representatives of the Council of Public Instruction for Ontario, to be named and appointed by the 50 Minister of Education; two representatives from each of the several corporations, associations, organizations, societies and public bodies following, that is to say: The Ontario Society of Artists, The Toronto Mechanics Institute, The Toronto Horticultural Society, The Board of Trade of Toronto, The Stock 55

Breeders Association of Ontario, The Canadian Institute, The Fruit Growers Association of Ontario, the Lumbermens Association of Ontario, and the Ontario College of Pharmacy, such representatives to be named and appointed by the said several cor-5 porations, associations, organizations and societies at their annual meeting for the election of officers; one representative from each of the following corporations, associations, or bodies, namely: The Dairymens Association of Eastern Ontario, The Dairymens Association of Western Ontario, The Millers Association of 10 Ontario, and the Corn Exchange of Toronto, such representatives to be named and appointed by the said several societies, corporations and associations at their annual meeting for the election of officers; such number of representatives of such other corporations, associations, organizations, or societies not named 15 above as may from time to time, upon application to be made by such corporations, associations, organizations or societies, be admitted to the association by vote thereof, at the annual meeting thereof, upon such terms and conditions, and under such regulations and restrictions as may be made and deter-20 mined by the Board of Directors and sanctioned by the association at its annual meeting, and all such other persons as the board of directors may by by-law admit to membership, as hereinafter provided, shall constitute the said association, and the said several persons and representatives named, or hereafter 25 to be admitted under the provisions of this Act, and the bylaws of the said association, shall be the members of the said

5. The said Angus Morrison, John Jacob Withrow, Philip Provisional Armstrong, James McGee, Patrick George Close, Alexander Mc-directors.

30 Gregor, Andrew Smith, William Rennie, George Leslie, the younger, William F. McMaster, Thomas Davison, Lucus R. O'Brien, Edward Gurney, the younger, H. P. Dwight and E. B. Shuttleworth shall be provisional directors of the said association, to organize said association, and shall hold office until 35 the election of directors, as hereinafter provided.

6. Forthwith, after the passing of this Act, the said provisional Meeting for directors, or a majority of them, shall notify, in writing, the first election of dire tors. several corporations, organizations, persons, associations and societies above named, of the provisions of this Act, and shall,

40 at the same time, request each of them to name and appoint representatives (where the same are provided for in this Act)

to the said association, pursuant to the provisions of this Act, which appointment shall be evidenced by the corporate seal of each of the said several societies, organizations, associations or 45 corporations, or, in default of such corporate seal, by a certificate, signed by the presiding officer and secretary or clerk of such organization, society, corporation or association, as the case may be; and at the same time a notice shall be given by the said provisional directors, or a majority of them, of the time 50 and place of holding the first meeting of the members of the association for the election of directors and such other business

as may require to be done at such meeting, a copy of which notice shall also be published once in each week for two weeks before the time appointed for such meeting, in one of the news-

55 papers published in the City of Toronto.

Qualification of directors and voters.

7. At the first meeting of the members of the association for the election of directors, each member of the association, being a representative, shall produce to the said provisional directors a certificate, under the seal of the corporation, association, society, or organization which he represents, or, in default of 5 such seal, under the hand of the presiding officer and secretary, of his due and proper appointment; and the said provisional directors, or a majority of them, shall, at the time of such election, cause a list of all duly qualified members of the association under the provisions of this Act to be made out and placed 10 upon the table, and only the persons whose names shall appear upon such list shall be eligible as directors, or entitled to vote for directors, and upon such other matters, questions and things as may be presented for the consideration of the meeting.

Representation of societies which any election.

8. In the event of no appointment of representatives under 15 the provisions of this Act having been made, from any cause, have not made by any of the societies, corporations, organizations or associations named in the fourth section thereof, before the time fixed by the provisional directors for the holding of the meeting for the election of directors of the said association, then, and in 20 every such case, the president, vice-president, chairman, or other presiding officer, and the secretary of the association, organization, corporation, or society so having failed to make such appointment, shall be the representative of such association, organization, corporation, or society, and shall be ex officio 25 members of the corporation hereby created, until the appointments contemplated by this Act shall have been made, and shall be entitled to vote at all meetings of members of the said association.

Number of directors, etc

9. The board of directors shall consist of not less than fif- 30 teen nor more than twenty (a majority of whom shall be resident in the City of Toronto), to be determined at the meeting to be held, as provided for in the seventh section of this Act; such election and every question voted on at such meeting shall, if demanded by two members, be decided by bal- 35 lot by a majority of votes of the members of the association present in person and voting at the meeting; the directors so chosen shall immediately elect one of their own number to be president, and two others of them to be vice-presidents, which president, vice presidents, and directors shall continue in office 40 for one year, and until others shall be chosen to fill their places, as may be provided for by the by-laws of the said association; and if any vacancy shall at any time happen, by death, resignation, or otherwise, in the office of president, vice president, or directors, the remaining directors shall supply such vacancy 45 by the appointment of some member of the association for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors or such other day as may be fixed by bylaw, as hereinafter provided and mentioned.

Powers of directors.

10. The directors shall have full power to make all by-laws, rules and regulations not inconsistent with the provisions of this Act, for the management of the association, the securing of the cash fund hereinafter mentioned, and the collection

thereof, and the securing of the guarantee subscription fund, or the issue of guarantee stock, as also hereinafter mentionel, and the rating of assessments, or calls thereon, and the collection of such assessments or calls, as the same may be required; 5 the acquisition of exhibition grounds and buildings, by purchase, lease, agreement, or otherwise, and the selling, leasing, mortgaging, or otherwise disposing of the same, as occasion may require; the acquisition and management of all property, whether real or personal, which may be required for the pur-10 poses of, or in connection with, the exhibition, or other business and operations of the said association, and the sale or other disposal thereof, when no longer required for such purposes; the entering into any and all arrangements, agreements, and contracts, with any person, or corporation, society, or associa-15 tion, as the same may become necessary to carry out the objects of the said association; the admission of other persons as members, and of other corporations, societies, associations, or organizations than those named in this Act, to be represented in the said association, and the terms and conditions of such 20 admission; the fees (if any) to be paid by members of the association; the holding of exhibitions, annual or periodical; fixing the time for the annual meeting, and the calling of general, special, and other meetings of the association; the appointment, removal, and remuneration of all officers, agents, clerks, 25 workmen and servants of the association; the admission fees to be received from persons visiting their exhibitions; the entrance fees to be charged to exhibitors; the general management of all exhibitions, and in general to do all things and make all contracts and agreements that may be necessary to 30 carry out the objects and exercise the powers incident to the

11. Before the directors of the said association shall under- When society may comtake the holding of any exhibition or commence the business mence operaand operations contemplated by this Act, they shall secure a tions. 35 cash fund of not less than ten thousand dollars, and also a guarantee fund or subscription or stock of not less than twenty thousand dollars.

association.

12. The said directors may, should they find the same to be Guarantee necessary or expedient, constitute and issue a guarantee stock 40 to the amount of fifty thousand dollars, in shares of one hundred dollars each, and may from time to time increase the same, under and subject to such by-laws, rules and regulations as they may enact or make for the purpose, and may allot such stock in such manner and upon such terms as they may con-45 sider most advantageous to the association; and, in the event of such guarantee stock being issued, the subscribers thereto and the holders thereof shall, by virtue of such subscription become members of the association, and entitled to vote at all meetings thereof, and at least one half of the directors shall be 50 subscribers to and holders of such guarantee stock to the amount of not less than one thousand dollars each.

13. Notwithstanding anything contained in the Act passed cieties authorby the Parliament of the Province of Ontario, in the fortieth agreements year of the reign of Her Majesty, chaptered seventeen, en-with and aid society hereby

incorporated.

titled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures," it shall and may be lawful for all or any of the several societies, corporations, organizations, and associations named in the fourth section of this Act, and for all or any of the corporations, associations, organizations, 5 or societies formed, or hereafter to be formed, under the provisions of the said Act, and they, and all and every of them are hereby authorized and empowered, through their several and respective councils or boards of directors, or committees of management, and officers, to enter into any arrangements and 10 to make any agreements and contracts with the board of directors of the said association, for the holding of exhibitions, and taking part in the exhibitions to be holden by the said association, and otherwise promoting the objects contemplated by this Act, and may aid the same with any funds and moneys 15 belonging to any such association or society not otherwise specially appropriated by any statute of this Province.

Municipalities may subscribe for acquire, accept, and hold, and may depart with and transfer the guarantee stock. 14. Any municipal corporation in Ontario may subscribe the guarantee stock (if any) issued by the directors of the said 20 association, under the provisions of section twelve of this Act, and from time to time may direct the mayor, warden, or other chief officer thereof, on behalf of such municipality, to subscribe for such stock, in the name of such municipality, and to act for and on behalf of such municipality, in all matters relative to 25 such stock, and the exercise of the rights of such municipality as a stockholder, but according to his discretion, in cases not provided for by such municipality; and the said mayor, warden, or other chief officer of any municipality subscribing to such stock and becoming a stockholder in the said association, 30 shall be ex officio a member of the said association; and such municipality may pay all instalments, rates and assessments upon the stock which they subscribe for and acquire, out of any moneys belonging to such municipality, and may apply the moneys arising from the dividends, or profits on the said stock, 35 or from the sale thereof, to any purpose to which unappropriated moneys belonging to such municipality may be lawfully applied.

Aid from mu nicipalities.

15. The municipal council of any city, town, village, county or township, in this Province, may grant money or land in aid 40 of the said association, or may lend or grant aid by way of bonus to the said association out of any moneys belonging to the municipality, and may effect such loan, or grant such aid, upon such terms and conditions as may be agreed upon between said association and the council of the municipality making 45 such loan or granting such aid, and may recover the money so lent and may appropriate the moneys so recovered to the purposes of such municipality.

Actions for calls and as sessments.

16. In any action for the recovery of assessments or calls, or arrears on assessments or calls, upon any guarantee sub- 50 scription or fund, in aid of the said association, or upon any stock issued and subscribed for, under the authority of this Act, it shall be sufficient for the said association to allege that the defendant, being a subscriber to the said fund, and for an

amount to be named, or a subscriber for and owner of shares of such stock, is indebted to the association in respect of assessments made upon the amount of such subscription, or of so many shares of such stock, as the case may be, in the sum due, 5 whereby an action hath accrued to the association by virtue of this Act; and at the trial it shall only be necessary to prove that the defendant was a subscriber to the said guarantee fund or said stock, for such an amount, or so many shares, as the case may be, and that such assessment or call was made ac-10 cording to the by-laws and rules of the association; it shall be unnecessary to prove the appointment of the directors who made such assessment or calls, or any other matters whatsoever, except what is before declared, and a copy of any by-law, rule. regulation, or minute, or of any entry in any book of the asso-15 ciation, certified to be a true copy or extract, under the hand of the president or vice president, or the manager or secretary of the association, and sealed with the corporate seal, shall be received in all courts and proceedings as prima facie evidence of such by-law, rule, regulation, minute, or entry, without fur-

20 ther proof thereof, and without proof of the official character of the officer signing the same, or of the corporate seal.

17. The council of any municipality and the said association, Agreement and the directors thereof, are hereby respectively authorized alities. to make and enter into any agreements or covenants relating 25 to the holding of any exhibition, and granting and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purposes of the said association, and for the representation of such municipality in the said association, by the appointment 30 of members of the council thereof as representatives to such association, and all representatives so appointed in pursuance of any such agreement shall become members of the said association, and entitled to vote upon all matters and questions submitted or voted upon at all meetings of the association, and 35 every such council may pass by-laws for all and every of the purposes aforesaid and in furtherance of the objects contemplated by this Act, as occasion may require.

18. It shall and may be lawful for the said association to Amalgamaunite and amalgamate with "The Industrial Exhibition Com-tion. 40 pany," incorporated under the Act passed by the Parliament of the Province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered sixty-eight, upon such terms and conditions as may be mutually agreed upon between the directors of the said association and company, such agreement to be 45 ratified by the vote of a majority of the members present and voting, at a special general meeting of the said association and company, to be called for the purpose, due notice of the holding of such meeting having been given in some newspaper published in the City of Toronto, at least two weeks before such 50 meeting is held.

19. In the event of such union and amalgamation taking Rights of place, as is provided for in the next preceding section, the said company and association shall thereafter form one company or association, under such name as they may

adopt by such vote as aforesaid, having a common seal, and all the powers, privileges, rights and franchises theretofore enjoyed by the said association and company, and the members thereof, respectively, shall thereafter belong to and be enjoyed by the said amalgamated company or association; and the members 5 of the said association and company shall be members of the said amalgamated company, and the directors of the said amalgamated company or association shall not exceed in number the directors of the said company and association before such union and amalgamation, and they shall have all the 10 powers conferred upon directors by this Act and the said Act incorporating the said company; and the said Act incorporating the said company and this Act shall be taken and read as one Act, so far as they are not inconsistent with each other, and subject to the terms and conditions contained in the agree- 15 ment for the union and amalgamation of the said company and association.

Certain sections of 40 Vic., cap. 17, incorporated.

20. Sections seven, eleven, fourteen, fifteen, twenty-two, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirtyfour, thirty-nine, forty-five, forty-six, forty-seven, one hundred 20 and four, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, and one hundred and sixteen, of the Act passed by the Parliament of the Province of Ontario, in 25 the fortieth year of the reign of Her Majesty, chaptered seventeen, and entitled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures," are hereby incorporated with, and are to be taken and deemed as part of, this Act, and shall apply to the said association, and to the exhibi- 30 tions to be held by them, except in so far as they may be inconsistent with the enactments hereof, and the expression "this Act," when used herein, shall be understood to include the sections of the said last mentioned Act so incorporated with this Act as aforesaid. 35

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1st Reading.

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Session, 3rd Parliament, 42 Vic.,

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[1879]

An Act to incorporate the Industrial Exhibition Association of Ontario.

WHEREAS Angus Morrison and others hereinafter Preamble.
named have, by their petition, prayed that an association may be incorporated for the purpose of promoting industries, arts, and sciences generally, and of establishing 5 and holding agricultural, industrial, art, and other exhibi-tions at the City of Toronto; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

10 as follows:

1. Angus Morrison, John Jacob Withrow, Philip Arm-Incorporation. strong, James McGee, Patrick George Close, Alexander McGregor, Andrew Smith, William Rennie, George Leslie the younger, William F. McMaster, Thomas Davison, Lucius R. 15 O'Brien, Edward Gurney the younger, H. P. Dwight, and E. B. Shuttleworth, and others, the several representatives of the several societies, corporations and associations hereinafter named together with all such other persons and representatives. named, together with all such other persons and representatives of other corporations, societies and associations as shall, under 20 the authority of this Act, be associated with them in, and become members of, the corporation hereby created, shall be a body politic and corporate, by the name of the Industrial Exhibition Association of Ontario, and, by that name, shall and may have perpetual succession, and a common seal, with power 25 to break and alter the same, and, by that name, shall and may sue and be sued in all courts of law and equity in this Province; and the said corporation shall have their principal place of business at Toronto, but may open such office or offices at such places as may be found necessary or convenient for the 30 purposes of their business.

2. The said association is hereby authorized and empowered, Exhibitions either permanently or periodically, in structures, buildings, enauthorized. closures, and places located in the City of Toronto or the Township of York, suitable for exhibition purposes, and for the 35 promotion of industries, arts, and sciences generally, to exhibit any and every variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral; to exhibit products, wares, goods, merchandise, machinery, mechanical inventions, and improvements of every nature, name and 40 kind, and such as are generally exhibited at fairs, including the various processes of manufacture; to exhibit paintings and statuary of any and every nature and kind; to exhibit and de-

Authority to acquire and dispose of property. velope the points and qualities of the several breeds of horses and other animals, by such competitive tests as may be humane and proper, and as may be deemed expedient, and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said association is hereby further authorized but only for the carrying on and maintaining the business aforesaid, and such other business as may be hereafter mentioned, to hold, own, and acquire, by lease, purchase, gift, or otherwise, property, real and personal, at such prices and on such terms and conditions as may be agreed upon, and may im- 10 prove and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper; and the said association is hereby further authorized to cultivate such portions of their grounds as they may deem proper for the propagation of plants, trees, shrubs, or 15 other things of a vegetable nature, and also to manufacture and raise articles and things required in the various exhibitions contemplated; and to sell, mortgage, lease, or otherwise dispose of any property at any time held by the said association: Provided always, and it is enacted, that the said association shall at no 20 time acquire or hold any lands or tenements, or interests therein, exceeding in the whole, at any one time, the annual value of twenty thousand dollars, nor otherwise than for actual use or occupation for the purposes of the said corporation.

Proviso.

Hntrance fees, prizes, etc.

3. The said association is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting every thing contemplated by this Act; to charge such entrance fees, and to award, give, and pay to exhibitors such prizes, medals, and honorary distinctions as they may deem 30 proper, and to let or lease stalls, stands, rooms and places in any of their buildings or structures, or in any part of their grounds or property, upon such terms and conditions, and for such purposes, as the board of directors may deem best for the interests of the said association.

Members of association.

4. The Mayor of the City of Toronto, the Treasurer of the City of Toronto, the Chairman of the Executive Committee of the Council of the Corporation of the City of Toronto, and the standing committee thereof known as the Committee on Exhibitions (nine members), the directors of the Toronto Elec- 40 toral District Society (twelve in number), the Warden of the County of York, and two representatives being members of the County Council of the County of York, to be named and appointed by the said council at the time of the appointment of the several standing committees thereof for the 45 year; five representatives, being members of the Manufacturers Association of Ontario, representing five of the leading manufactures or industries, to be appointed at the annual meeting thereof; two representatives of the Educational Department for Ontario, to be named and appointed by the 50 Minister of Education; two representatives from each of the several corporations, associations, organizations, societies and public bodies following, that is to say: The Ontario Society of Artists, The Toronto Mechanics Institute, The Toronto Horti-cultural Society, The Board of Trade of Toronto, The Stock 55

Breeders Association of Ontario, The Canadian Institute, The Fruit Growers Association of Ontario, the Lumbermen's Association of Ontario, The Ontario Veterinary Association, The Poultry Association of Ontario, and the Ontario College of 5 Pharmacy, such representatives to be named and appointed by the said several corporations, associations, organizations and societies at their annual meeting for the election of officers; one representative from each of the following corporations, associations, or bodies, namely: The Dairymens' 10 Association of Eastern Ontario, The Dairymens' Association of Western Ontario, The Millers' Association of Ontario, and the Corn Exchange of Toronto, such representatives to be named and appointed by the said several societies, corporations and associations at their annual meeting for the 15 election of officers; such number of representatives of such other corporations, associations, organizations, or societies not named above as may from time to time, upon application to be made by such corporations, associations, organizations or societies, be admitted to the said Industrial Exhibition Association of 20 Ontario by vote thereof, at the annual meeting thereof, upon such terms and conditions, and under such regulations and restrictions as may be made and determined by the Board of Directors and sanctioned by the association at its annual meeting, and all such other persons as the board 25 of directors may by by-law admit to membership, as hereinafter provided, shall constitute the said Industrial Exhibition Association of Ontario, and the said several persons and representatives named, or hereafter to be admitted under the provisions of this Act, and the by-laws of the said last men-

5. The said Angus Morrison, John Jacob Withrow, Philip Provisional Armstrong, James McGee, Patrick George Close, Alexander Mc-directors. Gregor, Andrew Smith, William Rennie, George Leslie, the 35 younger, William F. McMaster, Thomas Davison, Lucius R. O'Brien, Edward Gurney, the younger, H. P. Dwight and E. B. Shuttleworth shall be provisional directors of the said Industrial Exhibition Association of Ontario, to organize said association, and shall hold office until the election of directors, 40 as hereinafter provided.

30 tioned association, shall be the members of the said Indus-

trial Exhibition Association of Ontario.

6. Forthwith, after the passing of this Act, the said provisional Meeting for directors, or a majority of them, shall notify, in writing, the first election several corporations, organizations, persons, associations and societies specially mentioned in Section Four of this Act, of 45 the provisions of this Act, and shall, at the same time, request each of them to name and appoint representatives (where the same are provided for in this Act) to the said Industrial Exhibition Association of Ontario, pursuant to the provisions of this Act, which appointment shall be evidenced by the corpo-50 rate seal of each of the said several societies, organizations, associations or corporations, or, by a certificate, signed by the presiding officer and secretary or clerk of such organization, society, corporation or association, as the case may be; and such notice shall likewise contain a statement of the time 55 and place of holding the first meeting of the members of the

association for the election of directors and such other business as may require to be done at such meeting, a copy of which notice shall also be published once in each week for two weeks before the time appointed for such meeting, in one of the newspapers published in the City of Toronto.

Qualification of directors and voters.

7. At the first meeting of the members of the association hereby incorporated, for the election of directors, each member of the association, being a representative, shall produce to the said provisional directors a certificate, under the seal of the corporation, association, society, or organization which he repre- 10 sents, or, under the hand of the presiding officer and secretary, of his due and proper appointment; and the said provisional directors, or a majority of them, shall, at the time of such election, cause a list of all duly qualified members of the association hereby incorporated to be made out and placed upon the 15 table, and only the persons whose names shall appear upon such list shall be eligible as directors, or entitled to vote for directors, and upon such other matters, questions and things as may be presented for the consideration of the meeting.

Representaties which

8. In the event of no appointment of representatives under 20 the provisions of this Act having been made, from any cause, have not made by any of the societies, corporations, organizations or associations specially named in the fourth section thereof, before the time fixed by the provisional directors for the holding of the meeting for the election of directors of the said 25 association hereby incorporated, then, and in every such case, the president, vice-president, chairman, or other presiding officer, and the secretary of the association, organization, corporation, or society so having failed to make such appointment, shall be the representative of such associa-30 tion, organization, corporation, or society, and shall be ex officio members of the corporation hereby created, until the appointments contemplated by this Act shall have been made, and shall be entitled to vote at all meetings of members of the said last mentioned association.

Number of directors, etc.

9. The board of directors shall consist of not less than fifteen nor more than twenty (a majority of whom shall be resident in the City of Toronto), to be determined at the meeting to be held, as provided for in the seventh section of this Act; such election and every question voted on at such 40 meeting shall, if demanded by two members, be decided by ballot by a plurality of votes of the members of the association hereby incorporated present in person and voting at the meeting; the directors so chosen shall immediately elect one of their own number to be president, and two others of 45 them to be vice-presidents, which president, vice presidents, and directors shall continue in office for one year, and until others shall be chosen to fill their places, as may be provided for by the by-laws of the said association; and if any vacancy shall at any time happen, by death, resig-50 nation, or otherwise, in the office of president, vice president, or directors, the remaining directors shall supply such vacancy by the appointment of some member of the association for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first 55

election of directors or such other day as may be fixed by bylaw, as hereinafter provided and mentioned.

10. The directors shall have full power to make all by-laws, Powers of rules and regulations not inconsistent with the provisions of directors.

5 this Act, for the management of the association hereby incorporated, the securing of the cash fund hereinafter mentioned, and the collection thereof, and the securing of the guarantee subscription fund, as also hereinafter mentioned, and the rating of assessments thereon, and the collec-

10 tion of such assessments, as the same may be required; the acquisition of exhibition grounds and buildings, by purchase, lease, agreement, or otherwise, and the selling, leasing, mortgaging, or otherwise disposing of the same, as occasion may require; the acquisition and management of all property,

- 15 whether real or personal, which may be required for the purposes of, or in connection with, the exhibition, or other business and operations of the said association, and the sale or other disposal thereof, when no longer required for such purposes; the entering into any and all arrangements, agreements, and 20 contracts, with any person, or corporation, society, or association, as the same may become necessary to carry out the objects of the said association; the admission of other persons as members, and of other corporations, societies, associations, or
- organizations than those named in this Act, to be represented 25 in the said association hereby incorporated, and the terms and conditions of such admission; the fees (if any) to be paid by members of the association; the holding of exhibitions, annual or periodical; fixing the time for the annual meeting, and the calling of general, special, and 30 other meetings of the association; the appointment, re-
- moval, and remuneration of all officers, agents, clerks, workmen and servants of the association; the admission fees to be received from persons visiting their exhibitions; the entrance fees to be charged to exhibitors; the general manage-
- 35 ment of all exhibitions, and in general to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers incident to the association.
- 11. Before the directors of the said association shall under- When society 40 take the holding of any exhibition or commence the business may commence operaand operations contemplated by this Act, they shall secure or tions. have on hand a cash fund of not less than ten thousand dollars, and also a guarantee fund or subscription of not less than twenty thousand dollars, to be used and applied for the 45 purposes and objects for which the said association is hereby incorporated.

12. Notwithstanding anything contained in the Act passed Certain soby the Parliament of the Province of Ontario, in the fortieth cieties author year of the reign of Her Majesty, chaptered seventeen, en-agreements 50 titled "An Act for the encouragement of Agriculture, Hortiscicty hereby culture, Arts and Manufactures," it shall and may be lawful for incorporated. all or any of the several societies, corporations, organizations, and associations named in the fourth section of this Act, and for all or any of the corporations, associations, organizations,

or societies formed, or hereafter to be formed, under the provisions of the said Act, and they, and all and every of them are hereby authorized and empowered, through their several and respective councils or boards of directors, or committees of management, and officers, to enter into any arrangements and 5 to make any agreements and contracts with the board of directors of the association hereby incorporated, for the holding of exhibitions, and taking part in the exhibitions to be holden by the said association, and otherwise promoting the objects contemplated by this Act, and may aid the same with any funds 10 and moneys belonging to any such association or society not otherwise specially appropriated by any statute of this Province.

Aid from municipalities.

13. The municipal council of any city, town, village, county or township, in this Province, may grant money, and the 15 municipal Council of the City of Toronto, the Township of York, or the County of York, may grant land in aid of the said association, or may lend or grant aid by way of bonus to the said association out of any moneys belonging to the municipality, and may effect such loan, or grant such aid, 20 upon such terms and conditions as may be agreed upon between said association and the council of the municipality making such loan or granting such aid, and may recover the money so lent and may appropriate the moneys so recovered to the purposes of such municipality: Provided always that no muni- 25 cipal council of any city or county shall in any one year grant any such money or bonus to any greater extent than five thousand dollars, and no other municipal council shall in any one year grant any such money or bonus to any greater extent than five hundred dollars, nor shall any land 30 be so granted or given under the provisions of the Municipal Act as to by-laws for raising, on the credit of the municipality, money not required for its ordinary expenditure, and not payable within the same municipal year, such provisions being those which require and relate to the assent of electors 35 and otherwise.

Proviso.

Actions for calls and assessments.

14. In any action for the recovery of assessments or arrears on assessments, upon any guarantee subscription or fund, in aid of the association hereby incorporated, subscribed for, under the authority of this Act, it shall be suffi-40 cient for the said association to allege that the defendant, being a subscriber to the said fund, and for an amount to be named, is indebted to the association in respect of assessments made upon the amount of such subscription, in the sum due, whereby an action hath accrued to the association by virtue of 45 this Act; and at the trial it shall only be necessary to prove that the defendant was a subscriber to the said guarantee fund for such an amount, and that such assessment was made according to the by-laws and rules of the association; it shall be unnecessary to prove the appointment of the directors who 50 made such assessment, or any other matters whatsoever, except what is before declared, and a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the association, certified to be a true copy or extract, under the hand of the president or vice-president, or the manager or secretary 55

of the association, and sealed with the corporate seal, shall be received in all courts and proceedings as prima facie evidence of such by-law, rule, regulation, minute, or entry, without further proof thereof, and without proof of the official character

5 of the officer signing the same, or of the corporate seal.

15. The council of any municipality and the association Agreement with municipality hereby incorporated, and the directors thereof, are hereby re-alities. spectively authorized to make and enter into any agreements or covenants relating to the holding of any exhibition, and grant-10 ing and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purposes of the said association, and for the representation of such municipality in the said association, by the appointment of members of the council thereof as representatives to such 15 association, and all representatives so appointed in pursuance of any such agreement shall become members of the said association, and entitled to vote upon all matters and questions submitted or voted upon at all meetings of the association, and every such council may pass by-laws for all and every of the 20 purposes aforesaid and in furtherance of the objects contemplated by this Act, as occasion may require; but subject to the special provisions contained in Section Thirteen of this Act.

16. It shall and may be lawful for the association hereby Amalgamaincorporated to unite and amalgamate with "The Indus-25 trial Exhibition Company," incorporated under the Act passed by the Parliament of the Province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered sixty-eight, upon such terms and conditions as may be mutually agreed upon between the directors of the said 30 association and company, such agreement to be ratified by the vote of a majority of the members present and voting, at a special general meeting of the said association and company, to be called for the purpose, due notice of the holding of such meeting having been given in some newspaper pub-35 lished in the City of Toronto, at least two weeks before such meeting is held.

17. In the event of such union and amalgamation taking Rights of place, as is provided for in the next preceding section, the said amalgamated amalgamated company and association shall thereafter form 40 one company or association, under such name as they may adopt by such vote as aforesaid, having a common seal, and all the powers, privileges, rights and franchises theretofore enjoyed by the said association and company, and the members thereof, respectively, shall thereafter belong to and be enjoyed by the 45 said amalgamated company or association; and the members of the said association and company shall be members of the said amalgamated company, and the directors of the said amalgamated company or association shall not exceed the number fixed by Section Nine of this Act, and they shall have all the 50 powers conferred upon directors by this Act and the said Act incorporating the said company; and the said Act incorporating the said company and this Act shall be taken and read as one Act, so far as they are not inconsistent with each other, and

subject to the terms and conditions contained in the agree-

ment for the union and amalgamation of the said company and association; but where any of the provisions of the said Act incorporating said company and this Act are not consistent with each other, the provisions of this Act shall govern.

Certain sections of 40 Vic., c. 17, incorporated.

18. Sections seven, eleven, fourteen, fifteen, twenty-two, 5 twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirtyfour, thirty-nine, forty-five, forty-six, forty-seven, one hundred and four, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and thirteen, one hundred and fourteen, 10 one hundred and fifteen, and one hundred and sixteen, of the Act passed by the Parliament of the Province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered seventeen, and intituled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures," are hereby incor- 15 porated with, and are to be taken and deemed as part of this Act, and shall apply to the said association, and to the exhibitions to be held by them as fully as such sections apply to the Agricultural and Arts Association, and to exhibitions held by such association, except in so far as they may be incon-20 sistent with the enactments hereof, and the expression "this Act," when used herein, shall be understood to include the sections of the said last mentioned Act so incorporated with this Act as aforesaid.

Session, 3rd Parliament,

42 Vic.,

1879

An Act to Incorporate the Snowdon Branch Railway.

W HEREAS the construction of a railway from some point Preamble. on the Victoria Railway, at or near Kinmount in the County of Victoria, to some point near the Snowdon Iron Mines, has become desirable for the development of the mineral resources of that section of the Province, and for the public convenience, and A. W. Humphreys, of the City of New York; C. J. Pusey, of Sodus Point, in the State of New York; Thomas Shortiss, Hugh Paine Savigny and Henry O'Brien, of the City of Toronto, in the County of York; and Edward Major, of the Village of Port Perry, in the County of Ontario, have petitioned that an Act may be passed authorizing the construction thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts

as follows:—

1. The said A. W. Humphreys, C. J. Pusey, Thomas Shortiss, Incorporation. Hugh Paine Savigny, Henry O'Brien and Edward Major, and such other persons and corporations as shall, in pursuance of 20 this Act, become shareholders, are hereby constituted a body corporate and politic by the name of the Snowdon Branch Railway.

2. The Railway Act of Ontario, chaptered one hundred and Railway Act sixty-five of the Revised Statutes of Ontario, and the several of Ontario to apply.

25 clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws,
30 notices &c.," "working of the railway," "actions for indemnity, and fines and penalties and their prosecution," and" general provisions," are incorporated with and form a part of this Act, and shail apply to the said company, and the railway to be constructed by them, except only in so far as they are in-35 consistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

3. The said company shall have full power under this Act to Line of rail-construct a railway from any point in or near Kinmount to the way.

40 Snowdon Iron Mines, and to such other mines as may hereafter be discovered in that section of this Province, with full powers to pass over any portion of the country between the points aforesaid.

Gauge.

4. The said railway may be constructed of any gauge.

Form of Conveyance.

5. Conveyances of land to the said company, for the purposes and powers of this Act, made in the form or to the effect set out in schedule "A" hereto annexed, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and bar of dower of the persons executing the same respectively; and such conveyances shall be registered in such manner and upon such proof of execution as is required by the Registry Law of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, 10 including all entries and certificates thereof, and certificates endorsed on the duplicates.

Provisional directors.

6. The said A. W. Humphreys, C. J. Pusey, Thomas Shortiss Hugh Paine Savigny, Henry O'Brien and Edward Major shall be provisional directors of the said company. 15

Directors.

7. The number of directors of the said company shall be six who shall be elected annually at a general meeting of the shareholders held at the office of the company in the City of Toronto, on the first Monday in June of each year, four of whom shall form a quorum for the transaction of business; the first election 20 of directors shall be held on the first Monday of June next.

Powers of Provisional directors.

8. The provisional directors shall, until the election of the first board of directors under this Act, have full power to open stock books, to make calls upon the shares subscribed, to make surveys and locate the route of the railway, and shall be vested 25 with all other powers of boards of directors under the said railway Act of Ontario.

Capital.

9. The capital of the company hereby incorporated shall be one hundred thousand dollars, to be composed of one thousand shares of one hundred dollars each, and shall be paid by the sharehol- 30 ders, and the money so paid shall be applied in the first place in payment of the expenses of procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied in procuring the lands for the said rail- 35 way, and in the building, equipment and completion of the same and the other purposes of this Act.

Special general meetings.

10. Special general meetings of the shareholders may be held at such places and at such times, and for such purposes as may be provided by the by-laws of the company. 40

Aid from

11. Any municipality or township or portion of any townmunicipalities. ship interested in or desiring the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by loaning or guaranteeing or giving mon- 45 ey by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient; provided always that when the said bonds or debentures are granted by a portion of a township, the bonds or 50 debentures so granted shall be the bonds or debentures of the

Proviso.

township municipality, and that no such aid, loan, bonus, guarantee, bond or debenture shall be given except after the passing of by-laws for that purpose, and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for 5 the creation of debts.

12. In the case of a county municipality, the petition shall Petitions for be that of a majority of the reeves and deputy-reeves or of aid by county twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters, under the Municipal 10 Act.

4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act to Incorporate the Snowdon Branch Railway.

1st Reading,

1879.

(PRIVATE BILL.)

PRINTED BY HUNTER, ROSE & Co. TORONTO: An Act to Incorporate the Snowdon Branch Railway.

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on the Victoria Railway, at or near Kinmount in the
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Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

1. The said A. W. Humphreys, C. J. Pusey, Thomas Shortiss Incorporation. Hugh Paine Savigny, Henry O'Brien and Edward Major, and such other persons and corporations as shall, in pursuance of 20 this Act, become shareholders, are hereby constituted a body corporate and politic by the name of the Snowdon Branch Railway.

2. The Railway Act of Ontario, chaptered one hundred and Railway Act sixty-five of the Revised Statutes of Ontario, and the several of Ontario to apply.

25 clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, 30 notices &c.," "working of the railway," "actions for indemnity, and fines and penalties and their prosecution," and general provisions," are incorporated with and form a part of this Act, and shail apply to the said company, and the railway to be constructed by them, except only in so far as they are in-35 consistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

3. The said company shall have full power under this Act to Line of rail-construct a railway from any point in or near Kinmount to the way.

40 Snowdon Iron Mines, and to such other mines as may hereafter be discovered in that section of this Province, with full powers to pass over any portion of the country between the points aforesaid, with right to make, carry and place their railway

upon, along or across, any lands of the Snowdon Iron Mining

and Blast Furnace Company or any part of the track of the tramway or railway of such company, subject to the provisions of the fifteenth and sixteenth sub-sections of section nine of the Railway Act, as to the exercise of this power and the compensation to be paid therefor.

5

Gauge.

4. The said railway may be constructed of any gauge.

Form of Conveyance.

5. Conveyances of land to the said company, for the purposes and powers of this Act, made in the form or to the effect set out in schedule "A" hereto annexed, shall be sufficient conveyance 10 to the said company, their successors and assigns, of the estate or interest, and bar of dower of the persons executing the same respectively; and such conveyances shall be registered in such manner and upon such proof of execution as is required by the Registry Law of Ontario; and no registrar shall be cutitled to demand more than seventy-five cents for registering the same, 15 including all entries and certificates thereof, and certificates endorsed on the duplicates.

Provisional lirectors.

6. The said A. W. Humphreys, C. J. Pusey, Thomas Shortiss Hugh Paine Savigny, Henry O'Brien and Edward Major shall be provisional directors of the said company.

Directors.

7. The number of directors of the said company shall be six who shall be elected annually at a general meeting of the shareholders held at the office of the company in the City of Toronto, on the first Monday in June of each year, four of whom shall form a quorum for the transaction of business; the first election 25 of directors shall be held on the first Monday of June next.

Powers of Provisional directors.

8. The provisional directors shall, until the election of the first board of directors under this Act, have full power to open stock books, to make calls upon the shares subscribed, to make surveys and locate the route of the railway, and to take con-30 veyances of lands, and shall be vested with all other powers of boards of directors under the said Railway Act of Ontario.

Capital.

9. The capital of the company hereby incorporated shall be one hundred thousand dollars, to be composed of one thousand shares 35 of one hundred dollars each, and shall be paid by the shareholders, and the money so paid shall be applied in the first place in payment of the expenses of procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied in procuring the lands for the said rail-40 way, and in the building, equipment and completion of the same and the other purposes of this Act.

First election of directors.

thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in one newspaper, published in the Town of Lindsay, and in the Ontario Gazette, of the time, place and object of such meeting; and at such general meeting the shareholders pre-

sent, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company, in manner and qualified as herein-5 after mentioned, who, shall constitute a board of directors, and shall hold office for one year, or until their successors are elected.

11. The sums so paid shall not not be withdrawn from Application of moneys. the bank except for the purposes of this Act.

- 12. The directors for the time being may, from time to Calls. time, make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section ten of this 15 Act.
 - 13. In the election of directors under this Act, no person Qualification shall be elected a director unless he shall be the holder and of directors. owner of at least five shares of the stock of the said company upon which all calls have been paid up.
- 14. Aliens as well as British subjects, and whether resi- Shareholders. dent in this Province or clsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.
- 15. Special general meetings of the shareholders may be held Special generat such places and at such times, and for such purposes as may be provided by the by-laws of the company.

16. Any municipality or township or portion of any town- Aid from municipalities. ship interested in or desiring the construction of the said rail-30 way, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in 35 such manner and to such extent as such municipality shall think expedient; provided always that when the said bonds or Proviso. debentures are granted by a portion of a township, the bonds or

40 antee, bond or debenture shall be given except after the passing of by-laws for that purpose, and the adoption of such bylaws by the ratepayers, as provided in the Municipal Act for the creation of debts.

debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus, guar-

17. In the case of a county municipality, the petition shall aid by county 45 be that of a majority of the reeves and deputy-reeves or of municipalities. twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters, under the Municipal Act.

Arrangements with other railways.

Proviso.

18. The company incorporated by this Act may enter into any arrangement with the Victoria Railway Company or any other railway company or companies which is or are lawfully empowered to enter into such arrangement for the construction, leasing, or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, 10 and generally to make any agreement or agreements with any other company touching the use by one or the other or by both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation 15 therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a special general meeting to be called for the purpose, according to the by-laws of the company and the pro- 20 visions of this Act, and the company or companies leasing or entering into such agreement for using the said railway may, and are hereby authorized to, work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to 25 confer rights or powers upon any company which is not within the legislative authority of this Province.

(See Section 5)

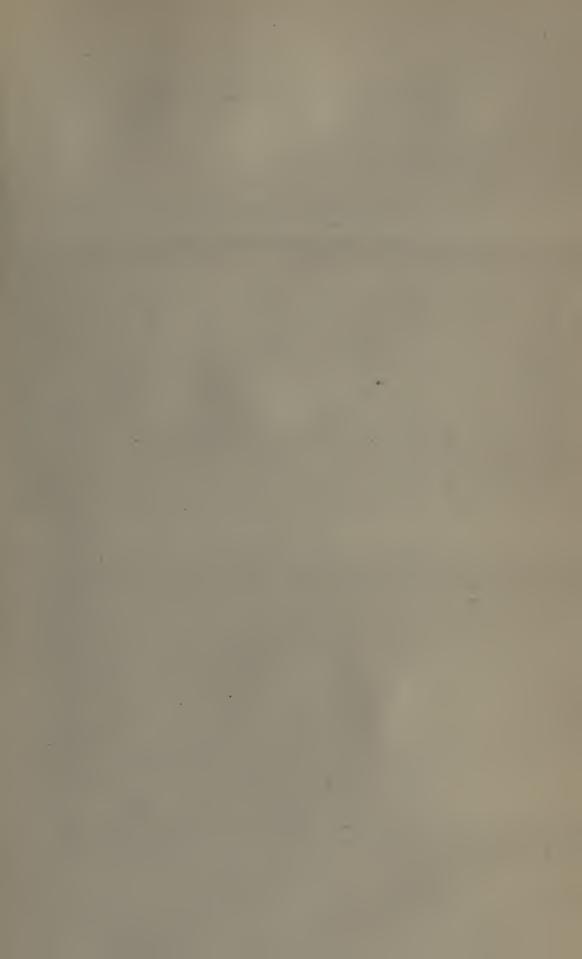
SCHEDULE A.

Know all men by these presents that I (or we) in consideration of dollars paid to me (or us) by the Snowdon Branch Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) in consideration of paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purpose of this railway to hold with the appurtenances unto the said Snowdon Branch Railway Company, their successors and assigns (here insert any other clauses, conditions and covenants required) and I (or we) wife (or wifes) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal, (or hands and seals) this day of 187.

Signed, sealed and delivered in presence of

[L.S.



No. 66.

rerra

An Act to incorporate the Snowdon Branch Railway.

(Reprinted as amended.)

1st Reading, 29th January, 1879.

PRIVATE BILL.

Mr. PAXTON.

TORONTO:
PRINTED BY HUNTER, Rose & Co.

An Act to legalize certain By-laws of the Corporation of the County of Kent, and the Debentures issued thereunder in aid of the Erie and Huron Railway Company.

WHEREAS, by a by-law passed by the County Council Preamble. of the County of Kent, dated the eighth day of June in the year of our Lord one thousand eight hundred and seventy-four, numbered three hundred and nineteeen and 5 amended by a by-law of said County, passed on the third day of November, one thousand eight hundred and seventy-seven, numbered three hundred and fifty-six, the Warden of the County of Kent was directed to issue the debentures of the said County of Kent, for the purpose of raising a bonus in aid of the Eric and 10 Huron Railway Company to the amount of one hundred and fifty-five thousand dollars, said debentures to be payable in equal payments in twenty years and to bear interest from the first day of January, one thousand eight hundred and seventy-five; and whereas, a suit was instituted in the Court of Chancery by the 15 Corporation of the Township of Harwich, and others against the Erie and Huron Railway Company, and others in which the right of the said company to the said debentures was contested and under an order made therein the said debentures were ordered to be delivered to the accountant of the 20 Court of Chancery, to abide the decision of the said suit, and in pursuance of the said order, all the said debentures directed to be issued by said by-law number three hundred and nineteen, with the exception of the first three thereof which would, if issued, have become payable on the first days of the years 25 one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, were delivered to the said accountant, the first of which said debentures, and the interest upon the whole amount for one year of said debentures so delivered as 30 aforesaid, became payable on the first day of January, one thousand eight hundred and seventy-nine; and whereas, by an Act of the Legislature of the Province of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered forty-five, intituled "An Act respecting the Erie and Huron Railway, 35 it was enacted that in the event of the said suit being finally decided in favour of the said company, the county might pass a by-law for the issuing of debentures in the place and stead of the debentures of the said county, which, under the terms of the said by-law number three hundred and nineteen, of said 40 county, would, if the same had been issued, become payable on

the first days of January, one thousand eight hundred and

seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy eight, and also for the interest payable, from the first day of January, in the year one thousand eight hundred and seventy-eight, upon the whole amount of the debentures of said county, the issue of which was provided for by said by-law number three hundred and nineteen, said debentures to be payable in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and in manner set forth in said Act; and whereas, 10 the final decision in said suit was not given by the Court of Appeal, to which the same was carried, until after the time had elapsed for the striking the necessary rate upon the section of the county defined in said by-law numbered three hundred and nineteen, to raise the necessary amount to pay the 15 debentures and the coupons for the interest accruing due upon the whole of the debentures so issued as aforesaid, and payable on the first day of January, one thousand eight hundred and seventy-nine, and no provision has been made for the payment of said debentures and coupons; and whereas, the coun- 20 cil of said county on the third day of January, in the year one thousand eight hundred and seventy-nine, passed a by-law numbered three hundred and seventy one under the authority of said Act, providing for the issue of said three debentures payable on the first day of January, one thousand 25eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and also providing for the issue of three other debentures for the sum of fourteen thousand two hundred and eighty-two dollars and seventy-nine cents payable on the first day of January, 30 in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, with interest at the rate of six per cent. payable half-yearly, and for the levying of the necessary rate to pay said debentures and interest upon the 35 section of said county defined in said by-law number three hundred and nineteen; and whereas, the said county council have by their petition prayed, that an act may be passed giving them additional power to pass said by-law and to confirm the same; and whereas it is expedient to grant the prayer of 40 the said petition;
Therefore Her Majesty by and with the advice and consent

of the Legislative Assembly of the Province of Untario, enacts

as follows:-

Power to issue debentures.

1. It shall and may be lawful for the municipal council of 45 the County of Kent, to issue three debentures for the sum of fourteen thousand two hundred and eighty-two dollars and seventy-nine cents, to provide for the payment of the first of said debentures already issued under by-law number three hundred and nineteen of said county, and for the interest 50 which has accrued upon the whole of the said debentures already issued according to the coupons thereto attached, and upon the three debentures still to be issued and which said debentures and interest became due and payable on the first day of January, one thousand eight hundred and seventy-nine, said 55 three debentures to bear interest at the rate of six per centum.

per annum, payable half-yearly and to have coupons for each instalment of interest attached, the principal moneys of said debentures shall be payable on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand 5 eight hundred and ninety-seven and one thousand eight hundred and ninety-eight respectively, and shall be payable at the branch office of the Merchants' Bank of Canada in the Town of Chatham.

2. It shall and may be lawful for the said Municipal Coun- Special rate 10 cil of the County of Kent, to raise, levy and collect by a special authorized. rate upon all the ratable property in the section of said County of Kent, defined by said by-law number three hundred and nineteen, during the continuance of the said debentures or any of them in the manner provided for the payment of the de-15 bentures and interest by clause number five of said by-law numbered three hundered and nineteen, as amended by by-law numbered three hundred and fifty-six, a sufficient amount of money to pay off the said debentures and interest as they become due.

3. It shall not be necessary to submit the said by-law al- By-law not to ready passed by the said municipal council numbered three be submitted hundred and seventy-one for the issue of said debentures to to electors. be voted upon by the qualified electors of the said county or any part thereof entitled to vote on money by-laws, but, the 25 passing of said by-law without such vote shall be valid, any any law or statute to the contrary notwithstanding.

4. The by-law of the said county passed on the third day By-laws and of January, one thousand eight hundred and seventy-nine, debentures to be valid. numbered, three hundred and seventy one and all other by-30 laws of the said county relating to the granting aid to the Erie and Huron Railway, as well as the debentures issued or to be issued in accordance therewith, shall be valid and binding upon the County of Kent, and upon that section thereof defined by said by-law numbered three hundred and nineteen to all intents 35 and purposes whatsoever and their validity shall not be questioned in any way whatsoever.

DILLI.

An Act to legalize certain By-laws of the Corporation of the County of Kent, and the Debentures issued thereunder, in aid of the Erie and Huron Railway Company.

1st Reading

1879.

(PRIVATE RILL.)

MR. MCCRANEY.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to legalize certain By-laws of the Corporation of the County of Kent, and the Debentures issued thereunder in aid of the Erie and Huron Railway Company.

HEREAS, by a by-law passed by the County Council Preamble. of the County of Kent, dated the eighth day of June in the year of our Lord one thousand eight hundred and seventy-four, numbered three hundred and nineteeen and 5 amended by a by-law of said County, passed on the third day of November, one thousand eight hundred and seventy-seven, numbered three hundred and fifty-six, the Warden of the County of Kent was directed to issue the debentures of the said County of Kent, for the purpose of raising a bonus in aid of the Erie and 10 Huron Railway Company to the amount of one hundred and fifty-five thousand dollars, said debentures to be payable in equal

payments in twenty years and to bear interest from the first day of January, one thousand eight hundred and seventy-five; and whereas, a suit was instituted in the Court of Chancery by the 15 Corporation of the Township of Harwich, and others against

the Erie and Huron Railway Company, and others in which the right of the said company to the said debentures was contested and under an order made therein the said debentures were ordered to be delivered to the accountant of the 20 Court of Chancery, to abide the decision of the said suit, and

in pursuance of the said order, all the said debentures directed to be issued by said by-law number three hundred and nineteen, with the exception of the first three thereof which would, if issued, have become payable on the first days of the years

25 one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, were delivered to the said accountant, the first of which said debentures, and the interest upon the whole amount for one year of said debentures so delivered as

30 aforesaid, became payable on the first day of January, one thousand eight hundred and seventy-nine; and whereas, by an Act of the Legislature of the Province of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered forty-five, intituled "An Act respecting the Erie and Huron Railway,

35 it was enacted that in the event of the said suit being finally decided in favour of the said company, the county might pass a by-law for the issuing of debentures in the place and stead of the debentures of the said county, which, under the terms of the said by-law number three hundred and nineteen, of said

40 county, would, if the same had been issued, become payable on the first days of January, one thousand eight hundred and

seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy eight, and also for the interest payable, from the first day of January, in the year one thousand eight hundred and seventy-eight, upon the whole amount of the debentures of said county, the issue of which was provided for by said by-law number three hundred and nineteen, said debentures to be payable in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and in manner set forth in said Act; and whereas, 10 the final decision in said suit was given by the Court of Appeal, to which the same was carried in favour of the Railway Company, but not until after the time had elapsed for striking the necessary rate upon the section of the county defined in said by-law numbered three hun- 15 dred and nineteen, to raise the necessary amount to pay the debentures and the coupons for the interest accruing due upon the whole of the debentures so issued as aforesaid, and payable on the first day of January, one thousand eight hundred and neventy-nine, and no provision has been made for the pay- 20 ment of said debentures and coupons; and whereas, the council of said county on the third day of January, in the year one thousand eight hundred and seventy-nine, passed a by-law numbered three hundred and seventy one under the authority of said Act, providing for the issue of said three de-25 bentures payable on the first day of January, one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and also providing for the issue of three other debentures for the sum of fourteen thousand two hundred and eighty-two dol- 30 lars and seventy-nine cents payable on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, with interest at the rate of six per cent. payable half-yearly, and for the levying of the 35 necessary rate to pay said debentures and interest upon the section of said county defined in said by-law number three nundred and nineteen; and whereas, the said county council have by their petition prayed, that an act may be passed giving them additional power to pass said by-law and to confirm 40 the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue debentures.

1. It shall and may be lawful for the municipal council of the County of Kent, to issue three debentures for the sum of fourteen thousand two hundred and eighty-two dollars and seventy-nine cents, to provide for the payment of the first of said debentures already issued under by-law number three 50 hundred and nineteen of said county, and for the interest which has accrued upon the whole of the said debentures already issued according to the coupons thereto attached, and upon the three debentures still to be issued and which said debentures and interest became due and payable on the first day 55 of January, one thousand eight hundred and seventy-nine, said three debentures to bear interest at the rate of six per centum

per annum, payable half-yearly and to have coupons for each instalment of interest attached; the principal moneys of said debentures shall be payable on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand 5 eight hundred and ninety-seven and one thousand eight hundred and ninety-eight respectively, and shall be payable at the branch office of the Merchants' Bank of Canada in the Town of Chatham.

2. It shall and may be lawful for the said Municipal Coun-Special rate 10 cil of the County of Kent, to raise, levy and collect by a special authorized. rate upon all the ratable property in the section of said County of Kent, defined by said by-law number three hundred and nineteen, during the continuance of the said debentures or any of them in the manner provided for the payment of the de-15 bentures and interest by clause number five of said by-law numbered three hundered and nineteen, as amended by by-law numbered three hundred and fifty-six, a sufficient amount of money to pay off the said debentures and interest as they become due.

3. It shall not be necessary to submit the said by-law al- By-law not to ready passed by the said municipal council numbered three besubmitted to electors. hundred and seventy-one for the issue of said debentures to be voted upon by the qualified electors of the said county or any part thereof entitled to vote on money by-laws, but, the 25 passing of said by-law without such vote or publication shall be valid, any law or statute to the contrary notwithstanding.

4. The by-law of the said county passed on the third day By-laws and of January, one thousand eight hundred and seventy-nine, be valid. numbered, three hundred and seventy one and all other by-30 laws of the said county relating to the granting aid to the Erie and Huron Railway, as well as the debentures issued or to be issued in accordance therewith, shall be valid and binding upon the County of Kent, and upon that section thereof defined by said by-law numbered three hundred and nineteen to all intents 35 and purposes whatsoever and their validity shall not be questioned in any way whatsoever.

5. The thirty-first section of the statute of the Province of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy, and sche-40 dule "B" referred to therein are hereby repealed, and the following, with schedule "B" hereto, substituted therefor:

The said trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one 45 or more of the chartered banks of the Province, or Dominion, having an office in the City of Toronto, in the name of the "Erie and Huron Railway Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company in the form set 50 out in schedule "B" hereto, or to the like effect, setting out how the money is to be applied and that the sum so certified for is in pursuance of the terms of section six of this Act; and such certificate is to be attached to the cheques drawn by the said trustees.

6. All proceeds of the debentures provided for by the said recited by-laws shall be paid over by the trustees appointed or to be appointed pursuant to the said Act to the said company in the manner and at the times following, that is to say: one-eighth thereof when the said proposed road 5 shall have been graded ready for the ties, all culverts put in and bridged, from the Rond Eau Harbour to a point on the said road midway between said harbour and the Town of Chatham; one-eighth thereof when the same shall have been so graded, culverts put in and bridged from said Rond Eau 10 Harbour to the Town of Chatham; one-eighth thereof when the same shall have been so graded, culverts put in and bridged from the said Town of Chatham to a point on said road midway between said Town of Chatham and the Village of Dresden; one-eighth thereof when the said road shall have been so graded, 15 culverts put in and bridged from said Town of Chatham to the said Village of Dresden; one-eighth thereof when the Wallaceburg branch of said road shall have been so graded, culverts put in and bridged from the point of intersection with the main line of said road to a point midway between the said 20 point of intersection and the Village of Wallaceburg; oneeighth thereof when the said Wallaceburg branch of said road shall have been graded, culverts put in and bridged from the point of intersection with the said main line to the Village of Wallaceburg; and the remaining one-fourth thereof when the 25 said road shall have been fully completed and in running order, from the said Rond Eau Harbour to the said Village of Dresden, including the Wallaceburg branch, such payments to be made on the certificate of the chief engineer of the said company of the performance of the said work as aforesaid.

SCHEDULE "B."

(Section 5.)

The Erie and Huron Railway Company Office No. A.D. 18 .

Certificate to be attached to cheques drawn on the Erie and Huron Railway Municipal Trust Account, and given under section five of chapter of the Acts of the Legislature of Ontario passed in the forty-second year of Her Majesty's reign.

I, Chief Engineer for the Erie and Huron Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under By-law number three hundred and nineteen of the Municipal Council of the County of Kent, also under section six of chapter

of the Acts of the Legislature of Ontario, passed in the forty-second year of Her Majesty's reign; and that the said road has been graded ready for the ties, all culverts put in and bridged from to , (including the Wallaceburg branch, or that the whole road is completed and in running order from the Rond Eau Harbour to the Village of Dresden, including the Wallaceburg branch,) to entitle the said company to receive from the said Trust Account the sum of in pursuance of said by-law and of said section six.



4th Session, 3rd Parliament, 42 Vic., 1879.

An Act to legalize certain By-laws of the Corporation of the County of Kent, and the Debentures issued thereunder, in aid of the Erie and Huron Railway Company.

(Reprinted as Amended.)

1st Reading, 29th January, 1879.

(PRIVATE BILL

MR. McCraney,

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to legalize certain By-laws of the Corporation of the County of Kent, and the Debentures issued thereunder in aid of the Eric and Huron Railway Company.

HEREAS, by a by-law passed by the County Council Preamble. of the County of Kent, dated the eighth day of June in the year of our Lord one thousand eight hundred and seventy-four, numbered three hundred and nineteeen and 5 amended by a by-law of said County, passed on the third day of November, one thousand eight hundred and seventy-seven, numbered three hundred and fifty-six, the Warden of the County of Kent was directed to issue the debentures of the said County of Kent, for the purpose of raising a bonus in aid of the Erie and 10 Huron Railway Company to the amount of one hundred and fifty-five thousand dollars, said debentures to be payable in equal payments in twenty years and to bear interest from the first day of January, one thousand eight hundred and seventy-five; and whereas, a suit was instituted in the Court of Chancery by the 15 Corporation of the Township of Harwich and others, against the Erie and Huron Railway Company and others, in which the right of the said company to the said debentures was contested and under an order made therein the said debentures were ordered to be delivered to the accountant of the 20 Court of Chancery, to abide the decision of the said suit, and in pursuance of the said order, all the said debentures directed to be issued by said by-law number three hundred and nineteen, with the exception of the first three thereof which would, if issued, have become payable on the first days of the years 25 one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, were delivered to the said accountant, the first of which said debentures, and the interest upon the whole amount for one year of said debentures so delivered as 30 aforesaid, became payable on the first day of January, one thousand eight hundred and seventy-nine; and whereas, by an Act of the Legislature of the Province of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered forty-five, intituled "An Act respecting the Erie and Huron Railway," 35 it was enacted that in the event of the said suit being finally decided in favour of the said company, the county might pass a by-law for the issuing of debentures in the place and stead of the debentures of the said county, which, under the terms of the said by-law number three hundred and nineteen, of said 40 county, would, if the same had been issued, become payable on the first days of January, one thousand eight hundred and

seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy eight, and also for the interest payable, from the first day of January, in the year one thousand eight hundred and seventy-eight, upon the whole amount of the debentures of said county, the issue of which 5 was provided for by said by-law number three hundred and nineteen, said debentures to be payable in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and in manner set forth in said Act; and whereas, 10 the final decision in said suit was given by the Court of Appeal, to which the same was carried in favour of the Railway Company, but not until after the time had elapsed for striking the necessary rate upon the section of the county defined in said by-law numbered three hun-15 dred and nineteen, to raise the necessary amount to pay the debentures and the coupons for the interest accruing due upon the whole of the debentures so issued as aforesaid, and payable on the first day of January, one thousand eight hundred and neventy-nine, and no provision has been made for the pay- 20 ment of said debentures and coupons; and whereas, the council of said county on the third day of January, in the year one thousand eight hundred and seventy-nine, passed a by-law numbered three hundred and seventy one under the authority of said Act, providing for the issue of said three de-25 bentures payable on the first day of January, one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and also providing for the issue of three other debentures for the sum of fourteen thousand two hundred and eighty-two dol- 30 lars and seventy-nine cents payable on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, with interest at the rate of six per cent. payable half-yearly, and for the levying of the 35 necessary rate to pay said debentures and interest upon the section of said county defined in said by-law number three nundred and nineteen; and whereas, the said county council have by their petition prayed, that an act may be passed giving them additional power to pass said by-law and to confirm 40 the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

45

Power to issue debentures.

1. It shall and may be lawful for the municipal council of the County of Kent, to issue three debentures for the sum of fourteen thousand two hundred and eighty-two dollars and seventy-nine cents, to provide for the payment of the first of said debentures already issued under by-law number three 50 hundred and nineteen of said county, and for the interest which has accrued upon the whole of the said debentures already issued according to the coupons thereto attached, and upon the three debentures still to be issued and which said debentures and interest became due and payable on the first day 55 of January, one thousand eight hundred and seventy-nine, said three debentures to bear interest at the rate of six per centum

per annum, payable half-yearly and to have coupons for each instalment of interest attached; the principal moneys of said debentures shall be payable on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand 5 eight hundred and ninety-seven and one thousand eight hundred and ninety-eight respectively, and shall be payable at the branch office of the Merchants' Bank of Canada in the Town of Chatham.

2. It shall and may be lawful for the said Municipal Coun- Special rate 10 cil of the County of Kent, to raise, levy and collect by a special authorized. rate upon all the ratable property in the section of said (bunty of Kent, defined by said by-law number three hundre I and nineteen, during the continuance of the said debentures or any of them in the manner provided for the payment of the de-15 bentures and interest by clause number five of said by-law numbered three hundered and nineteen, as amended by by-law numbered three hundred and fifty-six, a sufficient amount of

money to pay off the said debentures and interest as they be-

come due.

3. It shall not be necessary to submit the said by-law al- By-law not to ready passed by the said municipal council numbered three besubmitted bundred and seventy-one for the issue of said deboutures to electors. hundred and seventy-one for the issue of said debentures to be voted upon by the qualified electors of the said county or any part thereof entitled to vote on money by-laws, but, the 25 passing of said by-law without such vote or publication shall be valid, any law or statute to the contrary notwithstanding.

4. The by-law of the said county passed on the third day By-laws and of January, one thousand eight hundred and seventy-nine, debentures to be valid. numbered, three hundred and seventy one and all other by-30 laws of the said county relating to the granting aid to the Eric and Huron Railway, as well as the debentures issued or to be issued in accordance therewith, shall be valid and binding upon the County of Kent, and upon that section thereof defined by said by-law numbered three hundred and nineteen to all intents 35 and purposes whatsoever and their validity shall not be questioned in any way whatsoever.

5. The thirty-first section of the statute of the Province 35 Vic. c. 70, of Ontario, passed in the thirty-sixth year of the reign of s. 31 and Schedule B to Her Majesty Queen Victoria, and chaptered seventy, and sche-said Act 40 dule "B" referred to therein are hereby repealed, so far as repealed the same apply to the debentures issued or to be issued by the municipality of the County of Kent in aid of the said railway, but not otherwise, and the following, with schedule "B" hereto, substituted therefor:

The said trustees shall receive the said debentures of the Trusts of Municipality of the County of Kent in trust: firstly, to debentures-convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Province, or Dominion,

50 having an office in the City of Toronto, in the name of the "Erie and Huron Railway Municipal Trust Account, County of Kent debentures" and to pay the same unto the company from time to time as hereinafter mentioned on the certificate of the chief engineer of the said company in the form set out in schedule "B" hereto, or to the like effect; and such certificate is to be attached to the cheques drawn by the said trustees.

Payment by trustees to company.

6. All proceeds of the said debentures of the said Municipality of the County of Kent and all interests in respect thereof shall be paid over by the trustees or any two of them appointed or to be appointed pursuant to the said Act to the said company upon the production of the said certificate, in the manner and at the times following, that is to say:

1. One-eighth thereof when the said proposed road shall have been graded ready for the ties, all culverts put in and bridged from the Road Eau Harbour to a point on the said road midway between said harbour and the Town of Chatham exclusive of a portion thereof near the Village of Blenheim, 15 the gravel or earth from which is reserved for and intended to be used in ballasting the said road;

2. Another one-eighth thereof when the same shall have been so graded, culverts put in and bridged from the said Rond

Eau Harbour to the Town of Chatham;

3. Another one-eighth thereof when the same shall have been so graded, culverts put in and bridged from the said Town of Chatham to a point on said road midway between said Town of Chatham and the Village of Dresden;

4. Another one eighth thereof when the said road shall have 25 been so graded, culverts put in and bridged from the said mid-

way point to said Village of Dresden;

5. Another one-eighth thereof when the Wallaceburg branch of said road shall have been so graded, culverts put in and bridged from the point of intersection with the main line of 30 said road to a point midway between the said point of intersection and the Village of Wallaceburg;

6. Another one-eighth thereof when the said Wallaceburg branch of said road shall have been so graded, culverts put in and bridged from the point of intersection with said main line 35

and the Village of Wallaceburg;

7. And the remaining one-fourth part thereof together with any remaining interest upon the said fund when the said road shall have been completed ready for the rolling stock thereon from the said Rond Eau Harbour to the Village of Dresden in-40 cluding the Wallaceburg branch; but nothing contained herein shall prevent the said company from commencing the work upon any of the said sections at either end thereof, and work from that or both ends; and the company shall be entitled to said payments when the work hereinbefore mentioned and provided shall have been performed on the particular section as aforesaid.

SCHEDULE "B."

(Section 5.)

The Eric and Huron Railway Company Office No. A.D. 18 .

Certificate to be attached to cheques drawn on the Erie and Huron Railway Municipal Trust Account, County of Kent debentures, and given under section five of chapter of the Acts of the Legislature of Ontario passed in the forty-second year of Her Majesty's reign.

second year of Her Majesty's reign.

I, Chief Engineer of the Eric and Huron Railway Company, do certify that the said company has graded ready for the ties including all culverts and bridging the portion of said line of railway mentioned in sub-sec. [

of section six of the said Act, and that they are entitled to be paid the sum of [] (or in case of the last payment) that the said company has completed ready for the rolling stock the said road from the Rond Eau Harbour to the Village of Dresden, and also the branch to Wallaceburg mentioned in sub-section (7) of said section six; and the said company is now entitled to be paid the balance of the proceeds of the debentures of the County of Kent and any interest on said debentures not hitherto paid to them.

67-2

No. 67.

An Act to legalize certain By-laws of the Corporation of the County of Kent, and the Debentures issued thereunder, in aid of the Erie and Huron Railway Company.

Reprinted as Amended.

1st Reading, 29th January, 1879.
2nd "28th February, 1879.

PRIVATE BILL.

MB. MCCRANBY.

TORONTO:
Painted by Hunter, Rose & Co.

An Act to revive and amend the Act incorporating the Ontario Mineral Railway Company.

WHEREAS the charter granted by the Act passed by the Preamble.

Legislative Assembly of the Province of Ontario, in the thirty-ninth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty, incorporating the Ontario Mineral Railway Company, has been forfeited by reason of the nonconstruction of the railway thereby authorized to be built, as required by the terms of the said Act; and whereas certain persons named in said Act of incorporation and certain other persons have prayed to have the said Act revived, and certain 10 amendments made therein as hereinafter mentioned, with power to construct the said railway to some point on the Ottawa River; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

- 1. The said Act is hereby revived and re-enacted with the $_{39~\rm Vic.~c.~80}$ following amendments.
- 2. The names John B. Maas, Nicholas Loustorf, John R. Sec. 1 amen-20 Mitchell and J. D. R. Williams are struck out of section one ded. of said Act, and the names Thomas Pearce McDermot Cavanagh, John B. Tait, James Wilson, John Fitzgerald and John Leys added in lieu thereof.
- 3. Section number three of said Act is amended, by strik-Sec. 3 amen25 out the words "Townships of Madoc and Tudor, to the nineded.
 teenth concession of Tudor," and inserting in lieu thereof
 "Township of Madoc and the northern township of the County of Hastings; thence northerly to a point on the Ottawa
 River," and adding to the said section the following words,
 30 "or may make a connection with and start the said line of railway from or near the present terminus of the Belleville and
 North Hastings Railway, in the Township of Madoc; thence
 to or near the Dufferin Mines and northward as aforesaid."
- 4. The names John B. Maas, Nicholas Loustorf, John B. Sec. 6 amen-35 Mitchell and J. D. R. Williams are struck out of section num-ded. ber six of said Act.
 - 5. Section number thirty-five of said Act is amended by Sec. 35 ameninserting the word "thirty" in lieu of the word "fifty" in the ded. second line of said section.

Sec. 47 repealed and new section substituted.

6. In lieu of section number forty-seven of said Act the foll-

owing is substituted:
47. The said railway shall be commenced within one year from the passing of this Act, and thirty miles thereof completed within two years, and the entire distance to the Otta- 5 wa River completed within five years from the passing of this Act, otherwise the charter shall be forfeited as regards so much of the said railway not completed at that date.

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TORONTO: PRINTED BY HUNTER, ROSE& Co.	Mr.	(PRIVATE BILL.)	1st Reading. 1879.	An Act to revive and amend the Act incorporating the Ontario Mineral Railway Company.	BILL.	Session, 3rd Parliament, 42 Vic., 1879.

An Act to revive and amend the Act incorporating the Ontario Mineral Railway Company.

WHEREAS the time limited by the Act passed by the Preamble.
Legislative Assembly of the Province of Ontario, in the thirty-ninth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty, incorporating the Ontario Mineral 5 Railway Company, for the construction of the railway thereby authorized has expired; and whereas certain persons named in said Act of incorporation and certain other persons have prayed to have the said Act revived, and certain amendments made therein as hereinafter mentioned; and whereas it is ex10 pedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

- 1. The said Act is hereby revived and re-enacted with the 39 Vic. c. 80 revived.
- 2. The names John B. Maas, Nicholas Loustorf, John R. S. 1 amended. Mitchell and J. D. R. Williams are struck out of section one of said Act, and the names Thomas Pearce, McDermot Cavanagh, John B. Tait, James Wilson, John Fitzgerald, Peter Vank-20 leek and John Leys added in lieu thereof.
- 3. Section number three of said Act is amended, by striking S. 3 amended, out the words "Townships of Madoc and Tudor, to the nineteenth concession of Tudor," and inserting in lieu thereof "Township of Madoc and the northern townships of the County of Hastings; and adding to the said section the following words, "or may make a connection with and start the said line of railway from or near the present terminus of the Belleville and North Hastings Railway, in the Township of Madoc; thence to or near the Dufferin Mines and northward as aforesaid."
- 4. The names John B. Maas, Nicholas Loustorf, John B. S. 6 amended. Mitchell and J. D. R. Williams are struck out of section number six of said Act; and the names Thomas Pearce, McDermot Cavanagh, John B. Tait, James Wilson, John Fitzgerald, Peter Vankleek and John Leys are added in lieu thereof.
- 35 5. Section number thirty-five of said Act is amended by S. 35 amended. inserting the word "thirty" in lieu of the word "fifty" in the second line of said section.

S. 47 repe-aled and new section substi-tuted.

6. In lieu of section number forty-seven of said Act the fol

owing is substituted:
47. The said railway shall be commenced within two years from the passing of this Act, and thirty miles thereof completed within three years, and the entire distance northward completed within six years from the passing of this Act.

1st Reading, 28th January, 1879.

(Reprinted as Amended.)

An Act to revive and amend the Act incor-Company. porating the Ontario Mineral Railway

PRIVATE BILL.

MR. DEROCHE.

PRINTED BY HUNTER, ROSE & Co.

th Session, 3rd

Parliament, 42 Vic., 1879.

An Act to amend the Acts respecting the Farmers' Loan and Savings Company.

WHEREAS the Farmers' Loan and Savings Company have Preamble. presented their petition, praying for certain powers; and whereas it is expedient to grant the prayer of the said petition :-

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. It shall be lawful for the shareholders of the com- Regulations, pany at any general annual meeting, or at any special general &c. 10 meeting called for such purpose from time to time, to alter, amend, repeal or create any regulations, rules or by-laws for the working of the company.

2. No present or future shareholder of the company shall Liability of be liable for, or chargeable with, the payment of any debt or shareholders. 15 liability of the company, beyond the extent of what may be unpaid upon any share in the capital of the company held by such shareholder.

3. The present paid up share capital of the company amount-Permanent ing to five hundred thousand dollars, and all additions thereto 20 by the issue of new shares, shall and are hereby declared to be fixed and permanent capital of the company not withdrawable therefrom.

4. The election of directors shall be by ballot, and at such Election of directors, election each shareholder either personally present or represent votes &c. 25 ted by any other shareholder as his proxy shall be entitled to one vote for each share which is paid up in full; Provided always Proviso. that no shareholder shall be entitled to vote upon any question touching the affairs of the company, or at any such election in respect of any share not paid up in full and which he shall not 30 have held for at least three calendar months prior to such election.

5. In addition to the present powers of the directors to issue Power to issue new shares in the company, it shall be lawful for the directors new shares. from time to time to issue new shares of capital stock of the 35 company to persons whether members or not of the company, to such an amount and on such terms and conditions as to the directors may seem proper, but no such shares shall be issued below par, and for the purpose of receiving subscriptions to such new shares it shall be lawful for the directors to eause

stock books to be opened and kept open as long as they deem it expedient in Great Britain, or elsewhere, upon which stockbooks may be recorded the subscriptions of such persons as desire to become shareholders in the company, and the persons recording such subscriptions shall be shareholders of the company, subject 5 always to the terms and conditions on which such shares shall have been issued by the directors.

Power to borrow.

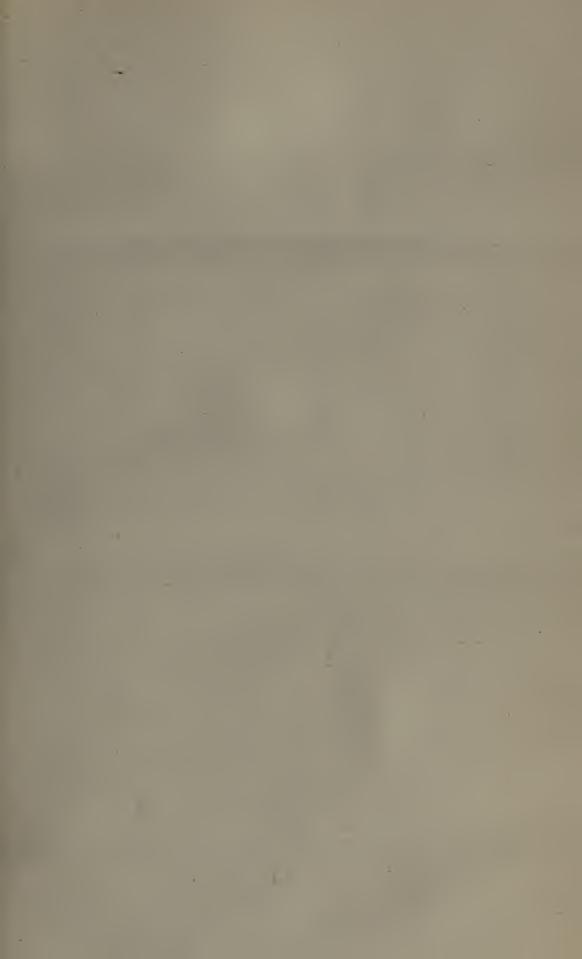
6. The directors may from time to time with the consent of the company obtained at any general annual meeting or special general meeting called for that purpose, borrow money on the 10 debentures of the company, to any amount not exceeding four times the amount of its paid up and unimpaired capital or the amount of its subscribed capital at the option of the company.

Power to ex-

7. The directors may, for the purpose of borrowing such money, ecute debentures, mortgages, bonds or other instruments 15 title deeds, &c. under the common seal of the company for sums not less than one hundred dollars or twenty pounds sterling each, or assign, transfer or deposit by way of equitable mortgage or otherwise for the sums so borrowed any of the documents, title-deeds, muniments, securities or property of the company, and either with 20 or without power of sale or other special provisions as the directors shall deem expedient; and such debentures, mortgages, bonds, or other instruments shall be in such form and payable in such place or places and at such times and for such amounts and bear such rate of interest as the directors may deem expe-25 dient; and may have interest bearing coupons thereto attached payable at such times and places as the directors may determine; and the directors may pay such sums as they deem proper by way of commission to any person negotiating the sale of any such debentures, and may appoint two persons as local directors in 30 Great Britain whose only power shall be to act as correspondents in Great Britain on behalf of the company, and to discharge such services as the board of directors may from time to time request of them; and for such services the board of directors may pay to them what the board may consider a proper remuneration for 35 such services.

Local direc-

Paying up 8. No shareholder shall be consent of the shares in full. portion of any shares held by him, without the consent of the 8. No shareholder shall be entitled to pay up the unpaid directors first had and obtained.



BILL.

An Act to amend the Acts respecting the Farmers' Loan and Savings Company.

1st Reading,

1879

(PRIVATE BILL.)

MR. DEROCHE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

BILL No. 70.]

[1879.

An Act for the relief of the Barton and Glanford Road Company.

THEREAS the Barton and Glanford Road Company, Preamble. a company formed, under The General Road Companies' Act, for constructing a macadamized road from the limits of the City of Hamilton, southerly through the 5 Township of Barton, into the Township of Glanford, the distance of five miles, have recently discovered that their line of yards short of the distance required by road is their instrument of incorporation; and whereas the time limited by section seventy-eight of the said Act, for completing 10 the said road, had expired before such error was ascertained; and whereas the said road company have petitioned that an Act may be passed granting further time for completing their said road; and whereas it is expedient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The period within which the said road company may Time extencomplete their road shall be and the same is hereby extended ded. 20 until the first day of June next.

BILL.

An Act for the relief of the Barton and Glanford Road Company.

1st Reading,

1879.

(PRIVATE BILL.)

MR. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act for the relief of the Barton and Glanford Road Company.

THEREAS the Barton and Glanford Road Company, Preamble. a company formed, under The General Road Companies' Act, for constructing a macadamized road from the limits of the City of Hamilton, southerly through the 5 Township of Barton, into the Township of Glanford, the distance of five miles, have recently discovered that their line of road is fifty-five yards short of the distance required by their instrument of incorporation; and whereas the time limited by section seventy-eight of the said Act, for completing 10 the said road, had expired before such error was ascertained; and whereas the said road company have petitioned that an Act may be passed granting further time for completing their said road; and whereas it has been mutually agreed between the said company and the Corporation of the Township of 15 Glanford, that the said company shall extend their road to the Village of Mount Hope, and that such agreement so entered into between them, may be confirmed and be declared to be binding on the said corporation and company respectively; and whereas it is expedient to grant the prayer of the said 20 petition; Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts

as follows :--

1. The period within which the said road company may Time exten-25 complete their said macadamized road shall be and the same ded. is hereby extended until the first day of June next, anything in "the General Road Companies' Act" to the contrary notwithstanding.

2. The said agreement which is set forth in the Sche-Agreement 30 dule to this Act is hereby confirmed, and declared to be legal confirmed. and valid to all intents and for all purposes, and to be binding on the said company and the said Corporation of the Township of Glanford, respectively.

SCHEDULE.

This agreement made and entered into this nineteenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine:-

Between The Corporation of the Township of Glanford hereinafter called the corporation of the first part and the company known as the "Barton and Glanford Road Company," hereinafter called the company of the second part;

Whereas the said parties of the second part were duly incorporated under the provisions of a certain Act of the Parliament of Canada intituled "An Act respecting Joint Stock Companies for the Construction of Roads and other works in Upper Canada," and have constructed a macadamized road on and over a portion of the route of the old "Hamilton and Port Dover Plank and Macadamized Road," the southern terminus of such constructed portion of road being at the front of the third concession of the Township of Glanford;

And whereas the said company are desirous of extending their said road to the Village of Mount Hope, at the rear of the fourth concession of the said Township of Glanford, and the said corporation is willing to agree to such extension by the said company subject to the conditions, agreements and

provisoes herein contained;

Now this agreement witnesseth that in consideration of the premises, the said corporation and the said company mutually agree with each other in manner following, that is to say:—

The said company agree to construct the said extension of road, and build and complete the same in accordance with the requirements of the statutes in that behalf by the first day of August, one thousand eight hundred and eighty:

Provided that in the event of there not being reasonably good sleighing during the winter of 1879-80, then the time for completing the said road shall be extended to the first day of

August, one thousand eight hundred and eighty-one;

The said corporation consents and agrees that the said company shall have their corporate powers in the road completed by them confirmed by an Act of the Legislature, without opposition on the part of the said corporation on the express condition (to be embodied in the said Act) that the said company shall complete the said extension within the time limited by this agreement, and in the event of non-completion thereof by the said company within the time limited as aforesaid, the said company shall forfeit absolutely all the corporate or other powers which they may have acquired in that portion of the said road and extension thereof within the Township of Glanford;

Provided always that the said corporation shall reserve and retain control of any portion of the said road which the Municipal Council of the said Township of Glanford has already or may hereafter by By-law set apart for the purposes of sidewalks or footpaths, such portions so set apart or to be set apart not to exceed eight feet in width on each side of the

allowance for said road.

The said corporation and the said company mutually agree that the provisions of this agreement may be embodied in, and form a part of the Bill now before the Legislature of Ontario, intituled "An Act for the relief of the Barton and Glanford Road Company;"

In witness whereof the Reeve of the said Municipality, and the President of the said company have hereunto subscribed their names and affixed the seals of their respective corpo-

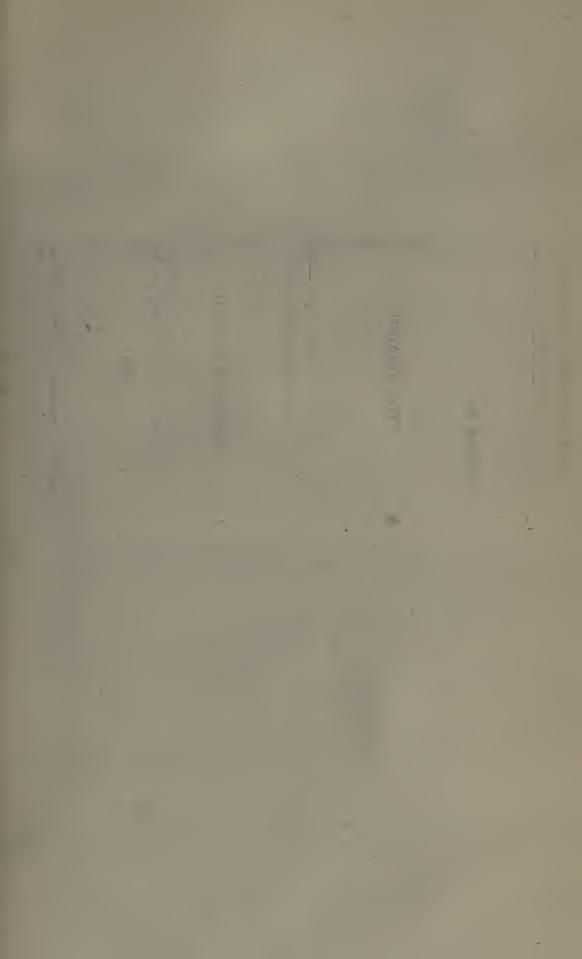
rations.

WILLAM CALDER, [L.S.]

Reeve of Glanford.

A. E. CARPENTER, [L.S.]

President of the Road Co.



4th Session, 3rd Parliament, 42 Vic., 1879

BILL.

An Act for the relief of the Barton and Glanford Road Company.

(Reprinted as Amended.)

1st Reading, 30th January, 1879.

(PRIVATE BILL.)

MR. WILLIAMS.

TORONTO:

An Act respecting the Municipality of Shuniah.

TY HEREAS the Corporation of the Municipality of Shu-Preamble. niah, and the ratepayers in the said municipality, have petitioned for certain amendments in the Acts respecting and for the organization of the said municipality, and also for fur-5 ther provisions for the said municipality respecting actions of replevin, and respecting absconding debtors, and for other matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

1. Sections nine and eleven of the Act passed in the thirty- Secs. 9 and 11, sixth year of Her Majesty's reign, intituled "An Act to organ- of 36 Vic. c. ize the Municipality of Shuniah, and to amend the Act for es- 50, repealed. 15 tablishing Municipal Institutions in unorganized districts," are hereby repealed, and the following substituted therefor:

9. The councillors elected for each ward, together with the reeve, who shall be elected by the electors of the said municipality, shall constitute the council of the said municipality, 20 and the reeve shall be the head of the council, and shall be a justice of the peace ex officio for the said municipality and for

- the said District of Thunder Bay.

 11. The nominations of candidates for the offices of reeve and councillors shall be held on the last Monday in December 25 in each year, and, if a poll is required, the elections shall be held on the first Monday in January thereafter, and such nomination and election shall be held at such time and at such place or places within the said municipality as may from time to time be fixed by by-law by the council: Provided that when 30 the last Monday in December happens to be Christmas Day, the nomination of candidates shall take place on the preceding Friday, at the time and place and in the manner prescribed by law.
- 2. Every elector in the said Municipality of Shuniah may How electors 35 vote for the election of councillors for each ward in which he may vote. has the necessary qualification; but, in the case of the reeve, the elector is limited to one vote.
- 3. The said nominations and elections shall be held, and the Proceedingsat proceedings thereat shall be carried on, as far as possible, in the nominations 40 manner prescribed for nominations and elections held un- and elections. der chapter one hundred and seventy-four of the Revised Statutes of Ontario.

Time for holding next elec-

4. The next election for councillors and reeve for the Municipality of Shuniah shall take place on the last Monday in December and the first Monday in January next, and the present councillors and reeve shall hold office until their successors are elected.

Sec. 7 of cap. 5, Revised Statutes amended.

5. Section seven of chapter five of the Revised Statutes of Ontario, intituled "An Act respecting the Territorial Division of Ontario," is hereby amended by striking out the word "and" in the third line thereof, and by inserting the words "and Lake Superior" after the word "Huron" in the fourth 10 line thereof.

Jurisdiction

6. The Stipendiary Magistrate for the District of Thunder in replevin, &c. Bay shall have the like powers as are possessed by county court judges respecting actions of replevin and respecting absconding debtors, with a jurisdiction in such cases to the ex-15 tent of one thousand dollars.

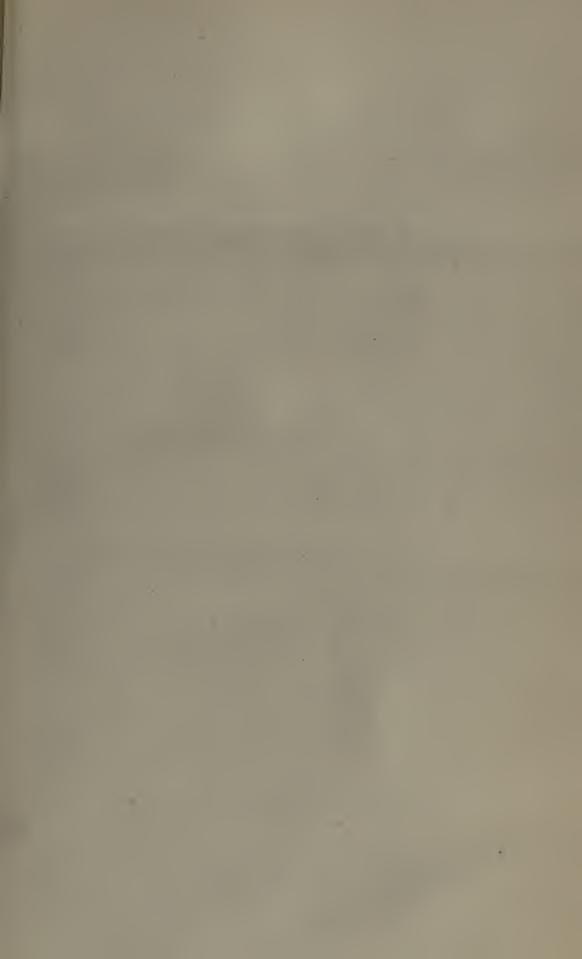
Deputy clerk of the Clerk of the Division Court in the of the County der Bay shall be ex officio Deputy Clerk of the District or Court in the County der Bay shall be ex officio Deputy Clerk of the District or Algorithms. County Court of the District of Algoma.

Assessment rolls confirmed.

8. All assessment rolls of the Municipality of Shuniah down 20 to and including that for the year one thousand eight hundred and seventy-eight, as finally passed by the Court of Revision in the said municipality, and certified by the clerk as passed, are, and are hereby declared to be, valid and binding upon all parties concerned, notwithstanding any defect or error com- 25 mitted in or with regard to such rolls, or any defect, error, or misstatement in the notice required by section fourteen of the Act passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, intituled "An Act to organize the Municipality of Shuniah, and to amend the Act for establishing Municipal 30 Institutions in Unorganized Districts," or the omission to deliver or transmit such notice, or in the time of the delivery or transmission of such notice.

ests in lands.

9. When any land within the Municipality of Shuniah is divided inter-owned jointly by two or more persons, and all their names are 35 given to the assessor, they shall respectively be assessed therefor in the proportions owned by or belonging to each respectively, and all remedies for, or powers of, enforcement of the collection of the taxes thereon may be enforced against all or any of such interests in the same manner as if such interests 40 were separate lots of land.



4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting the Municipality of Shuniah.

1st Reading,

1879.

(PRIVATE BILL.)

Mr. LYON.

TORONTO:

An Act respecting the Municipality of Shuniah.

HEREAS certain of the ratepayers of the Municipality Preamble. of Shuniah, have petitioned for certain amendments in the Acts respecting and for the organization of the said municipality, and for other matters; and whereas it is ex-5 pedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

1. Sections nine and eleven of the Act passed in the thirty-Secs. 9 and 11, 10 sixth year of Her Majesty's reign, intituled "An Act to organ-of 36 Vic. c. 50, repealed. ize the Municipality of Shuniah, and to amend the Act for establishing Municipal Institutions in unorganized districts," are hereby repealed, and the following substituted therefor:

- 9. The councillors elected for each ward, together with the 15 reeve, who shall be elected by the electors of the said municipality, shall constitute the council of the said municipality, and the reeve shall be the head of the council, and shall be a justice of the peace ex officio for the said municipality and for the said District of Thunder Bay.
- 11. The nominations of candidates for the offices of reeve and councillors shall be held on the fourth Saturday in June in each year, at such time and at such place within said municipality as may from time to time be fixed by by-law of the Council; and, if a poll is required, the elections shall be held

25 on the second Saturday in July thereafter, and such election shall be held at such place or places as may from time to time be fixed by by-law by the Council within the Town Plot of Fort William for the Wards of Neebing with Islands one and two, Blake, Pardee, Crooks, Paiponge, Fort William the 30 McKellar ward and Island ward and within Prince Arthurs

Landing for the wards of McIntyre, McGregor and the two wards of Prince Arthurs Landing; Provided that any ward Proviso. as soon as it contains a resident population of twenty shall be entitled to have a polling place within the limits of such ward, 35 and upon receiving a petition therefor from such residents, the

Council shall by by-law fix such polling place.

- 2. Every elector in the said Municipality of Shuniah may How electors vote for the election of councillors for each ward in which he may vote. has the necessary qualification; but, in the case of the reeve, 40 the elector is limited to one vote.
- 3. The said nominations and elections shall be held, and the Proceedings at proceedings thereat shall be carried on, as far as possible, in the and elections. manner prescribed for nominations and elections held under chapter one hundred and seventy-four of the Revised 45 Statutes of Ontario, except as otherwise provided by this Act.

McKellar
Ward defined.

4. The lands bounded as follows: Commencing on the northerly bank of the Kaministiquia River where the easterly boundary of the Township of Neebing intersects said river; then northerly along the eastern boundary of said Township of Neebing to the north-east angle thereof; then casterly along the southerly boundary of the Township of McIntyre to the waters of Thunder Bay; then southerly, along the water's edge to the Kaministiquia River; then south-westerly along the northerly bank of the said river to the place of along the northerly bank of the said river to the place of commencement, shall form a ward within the Municipality of 10 Shuniah, which shall be known as McKellar Ward and shall be entitled to elect one councillor to the council of said municipality, the first election of such councillor shall be held in June and July next.

Islands 1 and 2 added to Neebing Ward.

5. Islands numbers one and two, known as Neebing addi- 15 tions are hereby constituted a part and parcel of the Ward of Neebing.

Assessment rolls confirmed.

6. All assessment rolls of the Municipality of Shuniah down to and including that for the year one thousand eight hundred and seventy-eight, as finally passed by the Court of Revision 20 in the said municipality, and certified by the clerk as passed, are, and are hereby declared to be, valid and binding upon all parties concerned, notwithstanding any defect or error committed in or with regard to such rolls, or any defect, error, or misstatement in the notice required by section fourteen of the 25 Act passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, intituled "An Act to organize the Municipality of Shuniah, and to amend the Act for establishing Municipal Institutions in Unorganized Districts," or the omission to deliver or transmit such notice, or in the time of the delivery or 30 transmission of such notice.

TORONTO: PRINTED BY HUNTER, Rose & Co.	Mr. Lyon, (Algom	PRIVATE BILL.	1st Reading, 28th January, 1879.	(Reprinted as Amended.)	An Act respecting the Municipality Shuniah.
: Rose & Co.	on, (Algoin	TLL.	nuary, 1879.	ended.)	[unicipality

3rd Parliament, 42

An Act to amend an Act to authorize the Churchwardens of St. James' Church, Toronto, to issue, Debentures.

WHEREAS the churchwardens of St. James' Cathedral Preamble. Toronto, have by their petition, represented that in carrying out the wishes of the vestry of the said cathedral they have been called upon to expend a greater sum than was contemplated when they applied for the Act passed in the thirty-seventh year of the reign of Her Majesty, chaptered ninety-two intituled, "an Act to authorize the Churchwardens of St. James' Church Toronto, to issue Debentures;" and that it is progressive to make provision for such appendix providing the same and that 10 is necessary to make provision for such expenditure; and that for such purpose they desire to consolidate the debt of the said vestry at a greater sum, and to be empowered to issue debentures to a greater amount than was by the said Act authorized; and whereas the holders of debentures already issued have con-15 sented and agreed to purchase the further debentures which it is proposed to issue under the authority of this Act; and whereas it is expedient to grant the prayer of the said petition :-

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Outario, enacts

20 as follows :-

1. The first section of the said Act is hereby amended by Section 1 of 37 striking out the words "forty-five thousand dollars" where the V. c. 92 amensame occur in said section, and by inserting in lieu thereof the words "seventy thousand dollars," and by striking out the 25 words "fifty thousand dollars" where the same occur in the said section, and by inserting in lieu thereof the words "seventy-five thousand dollars.'

2. The fourth section of the said Act is hereby amended by Section 4 adding the following words, "and the soil and freehold and pos-amended. 30 session of the said church and of the lands therewith used and of all other property of the said vestry whether real or personal, shall be and is hereby vested in the said churchwardens and their successors as such by the corporate name of 'the Churchwardens of St. James' Cathedral, Toronto' and by such corpor-35 ate name they are hereby authorized with, the consent of the said vestry by resolution passed at any meeting thereof, to sell and convey the same or such portion thereof as they may deem expedient, for the purpose of providing for the payment of the said debentures, Provided however that the debentures from time Proviso.

40 to time outstanding shall continue to be a charge upon the said church lands and other property so long as they may remain unpaid."

An Act to amend an Act to authorize the Churchwardens of St. James Church, Toronto, to issue Debentures.

1st. Reading,

1879.

(PRIVATE BILL.)

MR. BELL.

TORONTO:

An Act to amend an Act to authorize the Church wardens of St. James' Church, Toronto, to issue, Debentures.

WHEREAS the churchwardens of St. James' Cathedral, Preamble. Toronto, have by their petition, represented that in carrying out the wishes of the vestry of the said cathedral they have been called upon to expend a greater sum than was contemplated when they applied for the Act passed in the thirty-seventh year of the reign of Her Majesty, chaptered ninety-two intituled, "an Act to authorize the Churchwardens of St. James' Church Toronto, to issue Debentures;" and that it is necessary to make provision for such expenditure; and that 10 for such purpose they desire to consolidate the debt of the said vestry at a greater sum, and to be empowered to issue debentures to a greater amount than was by the said Act authorized; and whereas the holders of debentures already issued have consented and agreed to purchase the further debentures which it 15 is proposed to issue under the authority of this Act; and whereas it is expedient to grant the prayer of the said petition :-Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

1. The first section of the said Act is hereby amended by Section 1 of 37 striking out the words "forty-five thousand dollars" where the V. c. 92 amended. same occur in said section, and by inserting in lieu thereof the words "seventy thousand dollars," and by striking out the words "fifty thousand dollars" where the same occur in the said 25 section, and by inserting in lieu thereof the words "seventy-five

thousand dollars;" Provided always that the additional Proviso. amount of debentures authorized to be issued by reason of this Act and the amendments thereby made and the interest upon such debentures shall only be, and shall in terms state that they 30 are only a charge upon the lands, property and revenue men-

tioned in sections four and five of the said Act hereby amended next after the debentures authorized to be issued by said amended Act and the holders of the said additional debentures to be issued by virtue of this Act shall only be deemed to be 35 mortgagees and incumbrancers pro rata upon said revenue lands, church and property next after the holders of the debentures already issued under said amended Act.

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An Act to amend an Act to authorize the Churchwardens of St. James Church, Toronto, to issue Debentures.

(Reprinted as Amended.)

1st Reading, 30th January, 1879.

PRIVATE BILL.

MR. BELL.

TORONTO:

An Act to further amend the Acts incorporating the Hamilton Gas Light Company.

WHEREAS the Hamilton Gas Light Company have, by Preamble. their petition, set forth that they desire to have their powers extended and that certain other amendments may be made in the Acts relating to the said company; and whereas it 5 is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

1. The Hamilton Gas Light Company are hereby authorized Additional 10 and empowered to manufacture and supply to customers gas manufacture for heating, cooking and all other purposes for which gas may and supply of at any time be capable of being used or applied, and to manufac-light, &c. ture, use and supply to customers electric, galvanic, or any other artificial light, either in connection with gas or otherwise, and 15 to acquire any rights, patent or other, for the manufacture or production or use of any light, and to manufacture, buy, sell or let for hire, all fittings, machines, apparatus and things required for the use of the company or its consumers.

2. The company may use their present works for the puralteration and 20 poses aforesaid or any of them in connection with the manufacture erection of ture of gas as now carried on by the company so far as may be works. practicable, and they may alter their existing works or erect new works upon their property, for the purpose of exercising the powers hereby authorized or any of them and the provisi-

25 ons of the fifteenth, sixteenth, eighteenth, nineteenth, twentieth twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-seventh, twenty-eighth, thirty-fourth and thirty-sixth sections of an Act to incorporate the Hamilton Gas Light Company (passed in the Session held in the

30 thirteenth and fourteenth years of the reign of Her Majesty, Queen Victoria, and chaptered one hundred and thirty-six) shall extend and apply to, and may be used exercised and enforced in respect to, all works, pipes, apparatus, lamps and other articles which the company may

35 desire to construct, use, work or set up, or which they shall so construct, use, work or set up, in the exercise of the increased powers by this Act created or any of them in the same way and to the same extent but no further, or otherwise than the provisions of said sections extend and apply to the

40 gas works, pipes and apparatus now owned and used by the said company, and its customers in connection with the busi-

ness of manufacturing and supplying of gas now carried on by the said company.

Application of capital.

Proviso.

3. The capital and funds of the said company, and the additional capital authorized to be raised by the Act passed in the thirty-ninth year of the reign of Her Majesty, Queen Victoria, 5 chaptered eighty-eight, may be used and applied in whole or in part for the purposes hereby authorized: Provided always that the consent of three-fourths in value of the stockholders be first obtained for that purpose, at a meeting to be called in the manner provided by the said Act.

1st Reading,

1879.

10

4th Session, 3rd Parliament,

42

Vic., 1879

An Act to further amend the Acts incorporating the Hamilton Gas Light Company.

TORONTO:	Mr. WI	(PRIVATE BILL.)
	VI	

An Act to further amend the Acts incorporating the Hamilton Gas Light Company.

WHEREAS the Hamilton Gas Light Company have, by Preamble. their petition, set forth that they desire to have their powers extended and that certain other amendments, may be made in the Acts relating to the said company; and whereas it 5 is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows:—

1. The Hamilton Gas Light Company are hereby authorized Additional 10 and empowered to manufacture and supply to customers gas manufacture for heating, cooking and all other purposes for which gas may and supply of at any time be capable of being used or applied, and to manufacting gas, electric light, &c. ture, use and supply to customers electric, galvanic, or any other artificial light, either in connection with gas or otherwise, and 15 to acquire any rights, patent or other, for the manufacture or production or use of any light, and to manufacture, buy, sell or let for hire, all fittings, machines, apparatus and things required for the use of the company or its consumers.

2. The company may use their present works for the pur-Power as to 20 poses aforesaid or any of them in connection with the manufac- alteration and ture of gas as now carried on by the company so far as may be works. practicable, and they may alter their existing works or erect new works upon their property, for the purpose of exercising the powers hereby authorized or any of them and the provisi-25 ons of the fifteenth, sixteenth, eighteenth, nineteenth, twentieth twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-seventh, twenty-eighth, thirty-fourth and thirty-sixth sections of an Act to incorporate the Hamilton Gas Light Company (passed in the Session held in the 30 thirteenth and fourteenth years of the reign of Her Majesty, Queen Victoria, and chaptered one hundred and thirty-six) shall extend and apply to, and may be used exercised and enforced in respect to, all works, pipes, apparatus, lamps and other articles which the company may 35 desire to construct, use, work or set up, or which they shall so construct, use, work or set up, in the exercise of the increased powers by this Act created or any of them, in the same way and to the same extent but no further, or otherwise than the provisions of said sections extend and apply to the 40 gas works, pipes and apparatus now owned and used by the

said company, and its customers in connection with the busi-

ness of manufacturing and supplying of gas now carried on by the said company; Provided that the rights and powers granted to the said company, by this section to make use of the streets, squares and public places of the City of Hamilton so far as the same relate to electric, galvanic or other artificial light as aforesaid, shall not be exercised, except under and subject to any agreement hereafter to be made between the company and the said city, and under and subject to any By-law or By-laws of the council of said city passed in pursuance thereof.

Application of capital.

Proviso.

3. The capital and funds of the said company, and the additional capital authorized to be raised by the Act passed in the thirty-ninth year of the reign of Her Majesty, Queen Victoria, chaptered eighty-eight, may be used and applied in whole or in part for the purposes hereby authorized: Provided always that the consent of three-fourths in value of the stockholders 15 be first obtained for that purpose, at a meeting to be called in the manner provided by the said Act.

PRIVATE BILL

1st Reading 28th January, 1879.

An Act to further amend the Act incorporating the Hamilton Gas Light Company.

(Reprinted as Amended.)

BILL.

Session, 3rd Parliament, 42 Vic., 1879

MR. WILLIAMS.

TORONTO:

An Act to amend the Acts relating to the Brantford, Norfolk and Port Burwell Railway Company.

WHEREAS the Brantford, Norfolk and Port Burwell Rail- Preamble, way Company has, by its petition, represented that it has completed thirty-five miles of its railway, from the City of Brantford to a point in the Township of Middleton, and that 5 by-laws for the granting of bonuses to aid the company in the further construction of its railway to or near to Port Burwell have been passed by municipalities through, and adjacent to, which the said line of railway to, or near to, Port Burwell would run; and it has prayed that an Act may be passed ex-10 tending the time for completion of its railway and branches, and for other purposes; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

15 as follows:-

1. The time for the completion of the railway, and the Time exbranches and extension thereof, authorized by the Acts incor-tended. porating and relating to the Norfolk Railway Company, and by the Acts incorporating and relating to the Brantford, Nor-20 folk, and Port Burwell Railway Company is hereby extended for the period of three years from the passing of this Act; and the by-laws of the municipalities of the Village of Vienna, the By-laws grant-Township of Houghton, and the Township of Bayham referred ing aid to be to in the thirteenth section of the Act of the Ontario Legis-25 lature, passed in the thirty-seventh year of the reign of Her Majesty and chaptered fifty-three, shall continue, have effect, and be acted upon, as if the said extended period for the completion of the railway and works had been originally allowed by the Acts incorporating the Norfolk Railway Company, and 30 by the other Acts aforesaid, and notwithstanding any lapse of time limited by the by-law of the municipality of the County of Elgin, granting sixteen thousand dollars in aid of the said railway, the said by-law shall continue in force and it is hereby declared to be a good, valid, and existing by-law, and 35 the debentures issued or to be issued thereunder shall be taken and held to be good and valid debentures, and in the event of the portion of said railway between the Town of

on or before the thirtieth day of December, one thousand eight 40 hundred and seventy-nine, or within any further periods which the Corporation of the County of Elgin may under its seal allow for such completion; the said debentures shall be delivered to the Brantford, Norfolk, and Port Burwell Railway

Tilsonburg and the harbour of Port Burwell being completed

Company in all respects as if the said portion of the railway had been completed within the time limited by the said by-law; but failing such completion within such extended period or periods the said debentures shall be cancelled and destroyed instead of being delivered to the said railway company.

By-law of Til-sonburg de-clared valid.

2. The by-law of the municipality of the Town of Tilsonburg granting three thousand dollars in aid of the said railway, and taking effect on the thirty-first day of December, one thousand eight hundred and seventy-eight, is hereby declared to be a good and valid by-law, and the debentures issued 10 or to be issued thereunder shall be taken and held to be good and valid debentures.

> An Act to amend the Acts relating to the Brantford, Norfolk and Port Burwell Brantford, Norfolk and Port

Railway Company.

1st Reading,

PRIVATE BILL.)

MR. WILSON

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

4th Session, 3rd Parliament, 42 Vic., 1879.

An Act to amend the Acts relating to the Brantford, Norfolk and Port Burwell Railway Company.

HEREAS the Brantford, Norfolk and Port Burwell Rail- Preamble. way Company has, by its petition, represented that it has completed thirty-five miles of its railway, from the City of Brantford to a point in the Township of Middleton, and that 5 by-laws for the granting of bonuses to aid the company in the further construction of its railway to or near to Port Burwell have been passed by municipalities through, and adjacent to, which the said line of railway to, or near to, Port Burwell would run; and it has prayed that an Act may be passed ex-10 tending the time for completion of its railway and branches, and for other purposes; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

15 as follows:-

1. The time for the completion of the railway, and the Time exbranches and extension thereof, authorized by the Aets incor-porating and relating to the Norfolk Railway Company, and by the Acts incorporating and relating to the Brantford, Nor-20 folk, and Port Burwell Railway Company is hereby extended for the period of two years from the passing of this Act; and the by-laws of the municipalities of the Village of Vienna, the By-laws grant Township of Houghton, and the Township of Bayham referred valid. to in the thirteenth section of the Aet of the Ontario Legis-25 lature, passed in the thirty-seventh year of the reign of Her

Majesty and chaptered fifty-three, shall continue, have effect, and be acted upon, as if the said extended period for the completion of the railway and works had been originally allowed by the Acts incorporating the Norfolk Railway Company, and 30 by the other Acts aforesaid; and notwithstanding any lapse of time limited by the by-law of the municipality of the County

of Elgin, granting sixteen thousand dollars in aid of the said railway, the said by-law shall continue, and the same is hereby continued in force and it is hereby declared to be a good, valid, 35 and existing by-law, and the debentures issued or to be issued thereunder shall be taken and held to be good and valid debentures; and in the event of the portion of said railway between the Town of Tilsonburg and the harbour of Port

Burwell being completed on or before the thirty-first day of 40 December, one thousand eight hundred and seventy-nine, or within any further periods which the Corporation of the County of Elgin may under its seal allow for such completion, the said debentures shall be delivered to the Brantford, Norfolk,

and Port Burwell Railway Company in all respects as if the said portion of the railway had been completed within the time limited by the said by-law; but failing such completion within such extended period or periods the said debentures shall be cancelled and destroyed instead of being delivered to the said railway company.

By-law of Til-sonburg de-clared valid.

2. The by-law of the municipality of the Town of Tilsonburg granting three thousand dollars in aid of the said railway, and taking effect on the thirty-first day of December, one thousand eight hundred and seventy-eight, is hereby de- 10 elared to be a good and valid by-law, and the debentures issued or to be issued thereunder shall be taken and held to be good and valid debentures.

Cancellation crued upon debentures.

3. The interest which has heretofore accrued upon the of interest ac-bonus or debentures under the by-law of the Township of 15 Bayham for \$30.000, and under the by-law of the Village of Vienna for \$4.000, and under the by-law of the Township of Houghton for \$10.000, is hereby cancelled, and all further interest which shall accrue due on the said respective sums before the time when under the respective by-laws the 20 Company shall be entitled to demand any part of the bonus under the by-law, shall also be cancelled.

an Act to amend the Acts relating to the Brantford, Norfolk and Port Burwell Railway Company. PRINTED BY HUNTER, ROSE & lst Reading, 28th January, 1879. (Reprinted as Amended.) TORONTO: MR. WILSON

kth Session, 3rd Parliament, 42 Vic., 1879

An Act respecting the Town of St. Mary's.

HEREAS the lots and parts of lots hereinafter mentioned Preamble. are at present within the limits of the Town of St. Mary's, and the owners of the said lots and parts of lots have, by their petition, represented that they are desirous of having the limits 5 of the said town changed so as to exclude the said lots and parts of lots from the said town and to attach the said lots and parts of lots to the Township of Blanshard, in the County of

Therefore, Her Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. From and after the passing of this Act the following lots Certain lots and parts of lots shall be detached from the said Town of St. detached from the said Town of St. the Town of Mary's and attached to the Township of Blanshard, viz.: All and St. Mary's.

15 singular those certain parcels or tracts of land and premises situate, lying and being in the Town of St. Mary's, in the Township of Blanshard, in the County of Perth, and Province of Ontario, and being composed of lots numbers twenty-one and twenty-two in the eighteenth concession and lot twenty-20 two and part of lot twenty-one in the seventeenth concession, and parts of lots thirty-five and thirty-six in the Thames concession; also parts of lots twelve, thirteen, fourteen and fifteen in the South Boundary concession, all in the said Town of St. Mary's and Township of Blanshard; 25 which said parcels or tracts of land and premises may be better known and described as follows, that is to say: Commencing at the south-westerly angle of lot number thirtysix abutting on the River Thames in the Thames concession of the said Township of Blanshard; thence along the rear 30 boundary of said lot and prolongation thereof north, eighty degrees and thirty minutes east to the eastern limit of lot number twelve in the South Boundary concession of said township; thence northerly along the eastern limit of said lot twelve to the southerly limit of lot number twenty-two in 35 the eighteenth concession of said township; thence north eighty degrees and thirty minutes east and along the southerly limit of said lot number twenty-two in the eighteenth concession to the limit between concessions eighteen and ninetcen in said township; thence northerly and along the limit between 40 said concessions eighteen and nineteen to the northerly limit of lot number twenty-one; thence south eighty degrees and thirty minutes west and along the north limit of said lot number twenty-one in concessions eighteen and seventeen to Wellington Street; thence south-westerly, on a course

parallel to Water Street seven chains and seventy links; thence in a south-westerly direction and parallel to said Water Street twenty-six chains and eighty-links more or less to a point that the northerly limit of park lot number one (according to a subdivision survey of lot number thirty-six 5 and part of lot number thirty-five in the Thames concession aforesaid) produced south-easterly would intersect; thence north-westerly and on the same course as the north limit of said park lot number one, and along said north limit fourteen chains more or less to the River Thames; thence south-westerly 10 along the River Thames and with the stream to the westerly limit of lot number thirty-six in the said Thames concession; thence southerly and along the westerly limit of said lot number thirty-six to the place of beginning; containing by computation nine hundred acres of land, be the same more or less; 15—and the boundaries of the said town shall be changed so that they shall exclude the said lots and parts of lots.

New boundaries of the Town of St. Mary's defined.

2. That the boundaries of the Town of St. Mary's shall, from and after the passing of this Act, be changed as follows, viz.: Commencing at a point formed by the intersection of the 20 limit between concessions eighteen and nineteen in the said Township of Blanshard with the northerly limit of lot number twenty-one in the said eighteenth concession of the said township; thence south eighty degrees and thirty minutes west · and along the north limit of said lot number twenty-one 25 in concessions eighteen and seventeen to Wellington Street; thence south-westerly, on a course parallel to Water Street, seven chains and seventy links; thence in a south-westerly direction and parallel to said Water Street twenty-six chains and eighty links more or less to a point that the north- 30 erly limit of park lot number one (according to a subdivision survey of lot number thirty-six and part of lot number thirty-five in the Thames concession aforesaid) produced south-easterly would intersect; thence north-westerly and on the same course as the north limit of said park lot num- 35 ber one and along said north limit fourteen chains more or less to the River Thames; thence south-westerly along the River Thames and with the stream to the westerly limit of lot number thirty-six in the said Thames concession, and shall be the boundaries of the said town thereafter, and all that portion of 40 the said town lying outside the said limits shall be attached to and shall be a part of the Township of Blanshard for all municipal and electoral purposes so far as the Legislature of Ontario is concerned.

Lots detached to pay their share of debt. 3. That the lands detached from the Town of St. Mary's 45 and attached to the Township of Blanshard shall pay their fair proportion of the debt of the said Town of St. Mary's, to be settled by the Mayor of the Town of St. Mary's and the Reeve of the Township of Blanshard, upon the valuation of the assessment of the year one thousand, eight hundred and seventy-nine; 50 and in case the said mayor and reeve should be unable to agree as to the amount to be paid, then the judge of the County Court of the County of Perth shall be the third arbitrator and the majority of the said arbitrators shall fix the amount to be paid.



4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting The Town of St. Mary's.

1st Reading,

1879.

PRIVATE BILL.

MR. HAY.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act relating to the incorporation of the Village of Tiverton.

WHEREAS certain inhabitants and ratepayers of the Village of Tiverton, in the County of Bruce, by their petitition, represent that the by-law, hereto appended, was duly passed by the Council of the Corporation of the County 5 of Bruce, on the fifth day of December, in the year of our Lord one thousand eight hundred and seventy-eight; and whereas, under section eighty-six, of chapter one hundred and seventy-four, of the Revised Statutes of Ontario, the first election under a by-law erecting a locality into an incorporated 10 village should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect; and that it would be productive of great benefit to the petitioners that the election held 15 on the first Monday in January, in the year of our Lord one thousand eight hundred and seventy-nine, should be confirmed; and have prayed for an Act confirming the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 20 of the Legislative Assembly of the Province of Ontario, enacts

as follows:-

1. The said by-law of the County Council of Bruce, a copy By-law conformation of which is set forth in the schedule to this Act, marked A, firmed. incorporating the Village of Tiverton, is hereby confirmed as 25 if the incorporation of the said village had gone into effect on the fifth day of December, one thousand eight hundred and seventy-eight.

2. The election of reeve and councillors for the said Village Election of Tiverton, held, under the said by-law, on Monday, the 30 day of December, in the year one thousand eight hundred and councillors seventy-eight, is hereby confirmed; and the Reeve of the said Village of Tiverton, then elected, shall have a seat in the County Council of Bruce, for the year one thousand eight hundred and seventy-nine.

35 3. Except as herein specially enacted, all the provisions of General Acts the Acts passed by the Legislative Assembly of the Province to apply except so far as of Ontario, are hereby declared to apply to the said village, varied hereby, in the same manner and to the same extent in all respects as if the said village had been incorporated under the provi40 sions of those Acts.

Village to form part of South Riding of Bruce.

4. The said village, for the purpose of the election of members to represent the said county in the Legislative Assembly of the Province of Ontario, shall be attached to the electoral division of the South Riding of the County of Bruce.

SCHEDULE A.

BY-LAW No. 143.

A by-law to erect into an incorporated viliage the Village of Tiverton, in the Townships of Bruce and Kincardine.

Whereas the inhabitants of the unincorporated Village of Tiverton, in the Townships of Bruce and Kincardine, in the County of Bruce, are desirous that said village should become

an incorporated village;

And whereas the census of said unincorporated village taken under the directions of the County Council of the County of Bruce, shew that the sections of the said Townships of Bruce and Kincardine, intended to be included within the limits of such village, contain eight hundred and thirty-four residents;

And whereas the residences of said inhabitants within said section, so applying for incorporation, are sufficiently near to form an incorporated village;

And whereas said inhabitants have, by their petition, signed by over one hundred residents, freeholders and householders, of whom over one-half are freeholders, prayed that said vil-

lage may be erected into an incorporated village;

And whereas the County Council of the County of Bruce, within the limits of which county said incorporated village and neighbourhood are situate, is desirous of complying with the prayer of said petition.

Be it enacted by the Municipal Council of said County of

Bruce, and it is hereby enacted,

1. That the inhabitants of Tiverton and neighbourhood shall be and they are hereby constituted a corporate body politic, under the name of the Corporation of the Village of Tiverton, and the said village and neighbourhood are hereby erected into an incorporated village apart from the said Townships of Bruce and Kincardine, in which the same are situated.

2. The boundaries of said incorporated village shall be as follow, and said incorporated village shall include within its limits the following lands, that is to say, the lands contained

within the following boundaries:

• That part situate in the Township of Kincardine, being composed of parts of lots numbers fifty-nine and sixty, concession C, and parts of lots numbers one, two and three, in twelfth concession, containing by admeasurement two hundred and fifty acres of land, be the same more or less; and may be better known and described as follows:

That is to say, Commencing at a post planted on the easterly an le of lot number three, as aforesaid; thence south twentynine degrees and five minutes, west twenty chains to a point; thence north sixty degrees and fifty minutes, west fifty chains, crossing lots numbers three, two, and the east half of lot number

one, be the distance more or less; thence south twenty-nine degrees and five minutes, west thirty chains, more or less, to the southerly limits of said lot one; thence north sixty degrees and fifty-five minutes, west ten chains, more or less, to the westerly angle of the said lot number one; thence north twenty-nine degrees and five minutes, east ten chains, more or less, to a point opposite the southerly angle of lot number fiftynine; thence north sixty degrees and fifty-five minutes, west, after crossing the original road allowance, between lots one and fifty-nine, twenty chains; thence north twenty-nine degrees and five minutes, east twenty chains to a point in the limit between the lots numbers fifty-nine and sixty; thence north sixty degrees and fifty-five minutes, west ten chains to a point; thence north twenty-nine degrees and five minutes, east twenty chains, more or less, to a point in the northerly limit of said lot number sixty; thence south sixty degrees and fifty-five minutes, east along the northerly limit of said lot number sixty, and the fronts of lots numbers one, two and three, as aforesaid, ninety chains to the place of beginning, be the same more or less.

That part of Tiverton situate in the Township of Bruce:

Being composed of lot letter J, and parts of lots numbers one, two and three in the first concession of the Township of Bruce, containing by admeasurement two hundred and fifty acres of land, be the same more or less, and better known and described as follows, that is to say: Commencing at a post planted at the westerly angle of lot letter J; thence north twenty-nine degrees and five minutes, east sixty chains, more or less, to a point in the southerly angle of said lot letter J; thence south sixty degrees and fifty-five minutes, east twenty chains, more or less, to the easterly angle of said lot letter J; thence south nine degrees and five minutes, west fifteen chains to a point; thence south sixty degrees and fifty minutes, east, after crossing the original allowance for road between said lots J and one, twenty chains, more or less to a point; thence south twentynine degrees and five minutes, west fifteen chains to a point; thence south sixty degrees and fifty-five minutes, east fifty chains, more or less, crossing said lots numbers two and three; thence south twenty-nine degrees and five minutes, east twenty chains, more or less, to the southerly angle of said lot number three; thence north sixty degrees and fifty-five minutes, west along the fronts of said lots three, two and one and lot J, ninety chains, more or less, to the place of beginning.

The first municipal election of said incorporated village shall be held at the town hall in said village, and Samuel Palmer Chapman, of said village, gentleman, is hereby named and appointed the returning officer who is to hold said first muni-

cipal election for said village.

Signed,

ROBERT BAIRD,

Warden.

Dated this fifth day of December, in the year of our Lord one thousand eight hundred and seventy-eight.

GEORGE GOULD, County Clerk.

I, George Gould, county clerk, hereby certify that the fore-

going is a true and correct copy of the said by-law.
Witness my hand and office seal at Walkerton,

Witness my hand and office seal, at Walkerton, the twelfth day of December, one thousand eight hundred and seventy-eight.

George Gould.
County Clerk, Bruce.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL

An Act relating to the incorporation of the of the Village of Tiverton.

1st Reading,

1879.

(PRIVATE BILL.)

MR. WIDDIFIELD.

TORONTO:

An Act relating to the incorporation of the Village of Tiverton.

W HEREAS certain inhabitants and ratepayers of the Vil- Preamble. lage of Tiverton, in the County of Bruce, by their petition, represent that the by-law, hereto appended, was duly passed by the Council of the Corporation of the County of Bruce, on the fifth day of December, in the year of our Lord one thousand eight hundred and seventy-eight; and whereas, under section eighty-six, of chapter one hundred and seventy-four, of the Revised Statutes of Ontario, the first election under a by-law erecting a locality into an incorporated 10 village should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect; and that it would be productive of great benefit to the petitioners that the election held 15 on the first Monday in January, in the year of our Lord one thousand eight hundred and seventy-nine, should be confirmed; and have prayed for an Act confirming the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 20 of the Legislative Assembly of the Province of Ontario, enacts

as follows:

1. The said by-law of the County Council of Bruce, a copy By-law conof which is set forth in the schedule to this Act, marked A, firmed. incorporating the Village of Tiverton, is hereby confirmed as 25 if the incorporation of the said village had gone into effect on the fifth day of December, one thousand eight hundred and seventy-eight, and the territory described in the said by-law is from that date to be taken and considered as having been erected into an incorporated village, called and to be called the 30 Village of Tiverton, and the inhabitants thereof as formed into a municipal corporation by the name of "The Corporation of the Village of Tiverton."

2. The election of reeve and councillors for the said Village Election of of Tiyerton, held, under the said by-law, on Monday, the 35 day of December, in the year one thousand eight hundred and confirmed. seventy-eight, is hereby confirmed; and the Reeve of the said Village of Tiverton, then elected, shall have a seat in the County Council of Bruce, for the year one thousand eight hundred and seventy-nine.

3. Except as herein specially enacted, all the provisions of General Acts the Acts passed by the Legislative Assembly of the Province to apply except so far as of Ontario, relating to municipal institutions, are hereby de-varied hereby. clared to apply to the said village, in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of those Acts, and such incorporation had taken place upon the said Monday in December aforesaid.

4. For the purpose of the election of members to the Legislative Assembly of the Province of Ontario, this Act shall not take effect until the first day of January, in the year one thousand eight hundred and eighty, but for all other purposes this Act shall take effect, from and after the passing thereof.

SCHEDULE A.

BY-LAW No. 143.

A by-law to erect into an incorporated village the Village of Tiverton, in the Townships of Bruce and Kincardine.

Whereas the inhabitants of the unincorporated Village of Tiverton, in the Townships of Bruce and Kincardine, in the County of Bruce, are desirous that said village should become an incorporated village;

And whereas the census of said unincorporated village taken under the directions of the County Council of the County of Bruce, shew that the sections of the said Townships of Bruce and Kincardine, intended to be included within the limits of such village, contain eight hundred and thirty-four residents;

And whereas the residences of said inhabitants within said section, so applying for incorporation, are sufficiently near to

form an incorporated village;

And whereas said inhabitants have, by their petition, signed by over one hundred residents, freeholders and householders, of whom over one-half are freeholders, prayed that said village may be erected into an incorporated village:

And whereas the County Council of the County of Bruce, within the limits of which county said incorporated village and neighbourhood are situate, is desirous of complying with the

prayer of said petition.

Be it enacted by the Municipal Council of said County of

Bruce, and it is hereby enacted,

1. That the inhabitants of Tiverton and neighbourhood shall be and they are hereby constituted a corporate body politic, under the name of the Corporation of the Village of Tiverton, and the said village and neighbourhood are hereby erected into an incorporated village apart from the said Townships of Bruce and Kincardine, in which the same are situated.

2. The boundaries of said incorporated village shall be as follows, and said incorporated village shall include within its limits the following lands, that is to say, the lands contained

within the following boundaries:

That part situate in the Township of Kincardine, being composed of parts of lots numbers fifty-nine and sixty, concession C, and parts of lots numbers one, two and three, in twelfth concession, containing by admeasurement two hundred and fifty acres of land, be the same more or less; and may be better known and described as follows:

That is to say, Commencing at a post planted on the easterly angle of lot number three, as aforesaid; thence south twentyning degrees and five minutes, west twenty chains to a point; thence north sixty degrees and fifty minutes, west fifty chains, crossing lots numbers three, two, and the east half of lot number

one, be the distance more or less; thence south twenty-nine degrees and five minutes, west thirty chains, more or less, to the southerly limits of said lot one; thence north sixty degrees and fifty-five minutes, west ten chains, more or less, to the westerly angle of the said lot number one; thence north twenty-nine degrees and five minutes, east ten chains, more or less, to a point opposite the southerly angle of lot number fiftynine; thence north sixty degrees and fifty-five minutes, west, after crossing the original road allowance, between lots one and fifty-nine, twenty chains; thence north twenty-nine degrees and five minutes, east twenty chains to a point in the limit between the lots numbers fifty-nine and sixty; thence north sixty degrees and fifty-five minutes, west ten chains to a point; thence north twenty-nine degrees and five minutes, east twenty chains, more or less, to a point in the northerly limit of said lot number sixty; thence south sixty degrees and fifty-five minutes, east along the northerly limit of said lot number sixty, and the fronts of lots numbers one, two and three, as aforesaid, ninety chains to the place of beginning, be the same more or less.

That part of Tiverton situate in the Township of Bruce:

Being composed of lot letter J, and parts of lots numbers one, two and three in the first concession of the Township of Bruce, containing by admeasurement two hundred and fifty acres of land, be the same more or less, and better known and described as follows, that is to say: Commencing at a post planted at the westerly angle of lot letter J; thence north twenty-nine degrees and five minutes, east sixty chains, more or less, to a point in the southerly angle of said lot letter J; thence south sixty degrees and fifty-five minutes, east twenty chains, more or less, to the easterly angle of said lot letter J; thence south nine degrees and five minutes, west fifteen chains to a point; thence south sixty degrees and fifty minutes, east, after crossing the original allowance for road between said lots J and one, twenty chains, more or less to a point; thence south twentynine degrees and five minutes, west fifteen chains to a point; thence south sixty degrees and fifty-five minutes, east fifty chains, more or less, crossing said lots numbers two and three; thence south twenty-nine degrees and five minutes, east twenty chains, more or less, to the southerly angle of said lot number three; thence north sixty degrees and fifty-five minutes, west along the fronts of said lots three, two and one and lot J, ninety chains, more or less, to the place of beginning.

The first municipal election of said incorporated village shall be held at the town hall in said village, and Samuel Palmer Chapman, of said village, gentleman, is hereby named and appointed the returning officer who is to hold said first muni-

cipal election for said village.

Signed, ROBERT BAIRD, Warden.

Dated this fifth day of December, in the year of our Lord one thousand eight hundred and seventy-eight.

George Gould, County Clerk.

I, George Gould, county clerk, hereby certify that the fore-going is a true and correct copy of the said by-law.

Witness my hand and office seal, at Walkerton, the twelfth day of December, one thousand eight hundred and seventy-eight.

George Gould.

County Clerk, Bruce.

TAO: 10.

BILL.

An Act relating to the incorporation of the Village of Tiverton.

(Reprinted as Amended.)

1st Reading, 30th January, 1879.

(PRIVATE BILL.)

Mr. Widdifield.

TORONTO:

An Act to authorize the City of Ottawa to aid the and Gatineau Point Interprovincial Rockliffe Bridge.

HEREAS the Corporation of the City of Ottawa have Preamble. petitioned to be authorized to aid the construction of an interprovincial bridge between that part of the Township of Gloucester, in the County of Carleton and Province of On-5 tario, generally known as Rockliffe, on the south side of the Ottawa River, and that portion of the Township of Templeton, in the County of Ottawa and Province of Quebec, known as Waterloo or Gatineau Point Village, on the north side of the Ottawa River aforesaid, the said bridge to connect the Quebec, 10 Montreal, Ottawa and Occidental Railway on the north side of

the said Ottawa River with the eastern and western railways on the south side of the said river, and to be adapted for city car railways and ordinary traffic, as well as for foot passengers, by granting for such object a bonus not to exceed the sum

15 of two hundred thousand dollars; and whereas it is expedient

to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. It shall and may be lawful for the Council of the Corpor- City of Ottawa ation of the City of Ottawa to aid the construction of the said authorized to interprovincial bridge hereinabove mentioned by giving to any aid in building bridge. parties or company building the same, money or debentures by the way of bonus, gift or loan, to an amount not exceeding two

25 hundred thousand dollars: Provided always that no such aid Proviso. shall be given except after the passing of a by-law by the qualified ratepayers of the City of Ottawa, as provided in the Municipal Act for the creation of debts.

2. Such by-law shall be submitted by the municipal council Provisions as 30 of the said city to the vote of the said ratepayers in the manner to by-law. following :-

1. The proper petition shall first be presented to the said council expressing the desire to aid the construction of the said bridge and stating in what way and for what amount, and the 35 said council shall within four weeks after the receipt of such petition by their clerk introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified

2. The petition shall be that of a majority of the said coun-40 cil or of fifty resident freeholders, being duly qualified voters as aforesaid;

3. For raising the amount so petitioned for by the issue of the debentures of the said City of Ottawa payable in thirty years or by annual instalments of principal with interest, and for the delivery of the debentures for the amount of the said bonus, gift or loan in manner, at the times and on the terms specified 5

in said petition;

4. For assessing and levying upon all the ratable property within the said City of Ottawa an equal annual special rate as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon or for the 10 payment of the said yearly instalments and interest, said interest to be payable half-yearly or yearly.

If by-law carried council to pass same.

3. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then, within four weeks after the date of such voting, the Council of the Corporation of 15 the City of Ottawa shall finally read the said by-law and pass the same.

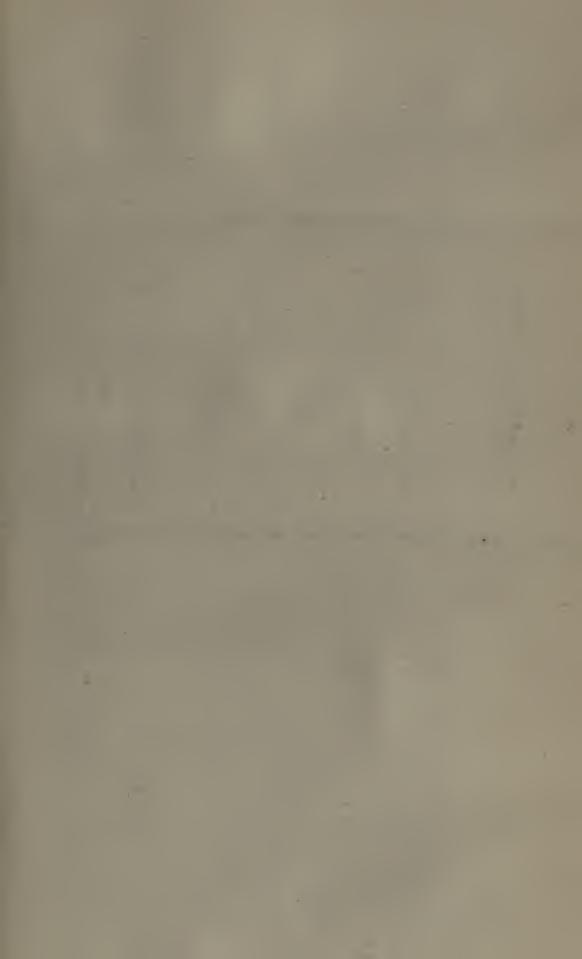
Issue of debentures. 4. As soon as the terms and conditions mentioned in the bylaw so approved of and passed shall have been fulfilled and carried out, debentures shall be issued thereunder, and the mayor 20 and treasurer for the time being of the said Corporation of the City of Ottawa shall execute the same, and they shall be delivered by the said mayor in manner, at the times and in the terms mentioned in the said by-law.

By-law to be voted if rate required will not exceed two cents on the dollar.

5. Notwithstanding the Act passed in the forty-first year 25 of the reign of her present Majesty by the Legislative Assembly of the Province of Ontario, chaptered thirty-seven and intituled "An Act to consolidate the debenture debt of the City of Ottawa," the said by-law or by-laws to be submitted for granting said bonus, gift or loan shall be voted: providing they 30 do not require the levy of a greater annual rate for all purposes, exclusive of school rates, than two cents on the dollar of the ratable property of the City of Ottawa.

Expenses of by-law may be paid by couneil.

6. It shall be lawful for the Council of the Corporation of the City of Ottawa, without complying with any Act providing for 35 the creation of debts by municipal corporations, to bear all or part of the costs, charges and expenses of and incidental to the submission of any by-law or by-laws to the qualified voters of the said city for granting such bonus, gift or loan in aid of the said interprovincial bridge.



BLLL

An Act to authorize the City of Ottawa to aid the Rockliffe and Gatineau Point Interprovincial Bridge.

1st Reading,

1879.

(PRIVATE BILL.)

Ma. O'Donogeur.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to confer on the City of Toronto extended powers with regard to Local Improvements, and other matters.

WHEREAS the Corporation of the City of Toronto have Preamble. by their petition, prayed that certain amendments may be made to "The Municipal Act," "The Assessment Act," "The Public Schools Act," "The High Schools Act," "The Separate 5 Schools Act," "The Industrial Schools Act," and "The Water Works Acts;" so far as the same affect the City of Toronto, and for special legislation in respect to other matters; and whereas it is expedient to grant the prayer of the said petition:

EXTENSION OF LOCAL IMPROVEMENT SYSTEM.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. That the several sections and subsections of "The Muni-Certain sectional Act," and other Acts hereinafter mentioned, are hereby Municipal 15 amended or rendered inoperative so far as they affect the Act repealed City of Toronto, in manner following, that is to say:—

Output

1. Section five hundred and fifty-one of "The Municipal Act" Toronto. is hereby amended by adding thereto the six subsections following, which shall be taken and read as subsection five, six, 20 seven, eight, nine and ten of the said section, as follows:-

(5.) In the City of Toronto, except in the cases provided for by the last preceding subsection, when the funds are provided by the parties, and notwithstanding anything contained in section six of the Assessment Act, the costs and expenses of all

25 local improvements, including the making, enlarging and prolonging, or reconstructing, maintaining, repairing and cleaning, of any common sewer, or the constructing, reconstructing, opening, widening, prolonging, altering, levelling, grading, curbing, sodding, planting, macadamizing, paving or planking, or re-

30 pairing of any street, lane, alley, public place, or square, or of any sidewalk, street-crossing, or culvert, or any bridge, forming part of any highway therein, including the costs of, and incidental to, the inception of such improvements and the proceedings connected therewith, and also the cost of maintaining,

35 repairing and cleaning the same, and of the lighting and watering of every such street, public place, highway, alley or lane, and of every public wharf, slip or dock, shall form a lien and charge upon, and be defrayed by a special assessment upon all the real estate immediately benefited thereby; except as to

40 the one-third part of the cost of any common sewer having a sectional area of more than four feet, which is to be defrayed as provided in section five hundred and fifty-two, and the said

council may pass by-laws for all and every of the purposes aforesaid, and for the assessing, rating, levying and collecting of the costs and expenses of every such improvement, work and service, and of the maintenance and repair of every such improvement and work, and for all other purposes necessary to 5

carry out the intention of this Act;

(6.) The council shall determine the minimum character or standard of every roadway, sidewalk, sewer, or other improvement to be put down or made in or upon each street, public square, highway, lane or alley, and every such improvement, work and service shall be done under the supervision and to the satisfaction of the officers appointed by the council in that behalf: Provided always that the owners of the real estate fronting upon any such street, public square, highway, lane or alley or through or past which any such roadway, sidewalk, 15 sewer or other improvement is proposed to be made, shall have the right to have a higher standard of roadway, sidewalk or other such improvement, than that determined on by the council, on a majority of the owners representing two-thirds of the assessed value of the real estate to be immediately benefited by 20 such improvements petitioning the council to that effect;

(7.) In making such special assessment and levying such special rates for all and every of the purposes in the last preceding subsection mentioned, and in all other cases where the council is authorized to make and impose special assessments 25 and rates under any Act of this Province, the council may adopt and impose a uniform frontage rate or tax upon all real property fronting or abutting on any street, lane, alley, public square or place in or upon which any improvements are proposed to be made, work done or service rendered under the provisions of 30 this Act, and upon all real property immediately benefited fronting or abutting on the contemplated improvement, or through or past which such improvement may be made or constructed: said assessments shall be made in such manner as nearly as may be that each separate block, lot, sub-lot, piece or 35 parcel of land on either side of the street, or part of the street to be improved, maintained, repaired, cleaned, lighted, watered, or otherwise benefited, as the case may be, shall sustain the cost and expense of improvements made, work done or service rendered, as the case may be, on and in that half of the street di- 40 rectly adjacent or in front of the same;

(8.) When in any case any portion of the cost and expense of any such improvement, work or service, shall by virtue of any valid law or by-law of the corporation or by virtue of any valid contract, be chargeable upon any railway, street railway 45 or tramway company, the amount so chargeable may be assessed upon the said railway, street railway or tramway company, and the balance only upon the real estate benefited thereby, and the corporation may collect the amount so assessed upon the said railway, street railway or tramway company by dis-50 tress and sale of personal property, as in the case of rent or taxes in arrear and unpaid or by suit brought for the purpose: Provided that any real estate owned by, belonging to or occupied by any such railway, street railway or tramway company, and deemed benefited by the said improvement, work or ser-55 vice, shall be assessed as in other cases;

(9.) If in any case the first assessment prove insufficient, the council shall make a second in the same manner, and so on, until sufficient moneys shall have been realized to pay for such improvements, work or service; if too large a sum shall at any 60

time be raised, the excess shall be refunded ratably to those

by whom it was paid;

(10.) The debentures issued under the provisions of this Act, and of any by-law passed in pursuance of the provisions there-5 of, may be made payable at dates proportioned to the average duration of the improvements or works contemplated by the by-law, but in no case shall the time for the redemption of any such debenture be extended beyond the period of twenty years from the date of the issue thereof, and in determining the rate 10 of sinking fund for the repayment or redemption of such debentures, the council may make due allowance for, and take into consideration and account the accumulations which will accrue from the investment of such sinking fund from time to time.

2. Sections five hundred and fifty-three and five hundred Ss. 553 and 554 and fifty-four of the Municipal Act are hereby declared to be of "The Municipal Act" inoperative, and as if the same were hereby absolutely repealed, repealed as to in so far as the City of Toronto is concerned. in so far as the City of Toronto is concerned.

3. In cases where a special report of the City Engineer and Council may, in certain cases, make tion of the City of Toronto, recommending any local improve-improvements ment, on sanitary grounds or on grounds of public convenience without any petition from or necessity, as in the case of leading thoroughfares or streets, owners of prois adopted by the vote of at least two-thirds of the members of perty to be 25 the council present at any regular meeting thereof, the "ayes" and "nays" having been duly taken and recorded, it shall be lawful for the said council without petition being required therefor to lassess, levy, and collect, in manner, provided by the five hundred and fifty-first and five hund-

30 red and fifty-second sections of the Municipal Act as amended by this Act as aforesaid, from the owners of real property, to be directly benefited thereby, and to assess and charge upon all such real property the cost of and incidental to the proposed improvement, work or service, and of the proceedings 35 therein and therefor, in the same manner as if a petition had been duly presented.

4. It shall be the duty of every owner and occupant of real Owners and estate to construct, and when necessary, reconstruct at their occupants to own cost and charges, the sidewalk in front of or adjacent to maintain side 40 their respective premises, in such time, in such manner, of walks. such width, and with such material as the Council of the Corporation of the City of Toronto may, from time to time, require, and it shall be the duty of every owner and occupant of real estate to keep the sidewalk in front of or adjacent to 45 their respective premises at all times in a safe condition, and in a good and thorough state of repair, and such duty is hereby expressly enjoined and imposed upon all such owners and occupants, and if at any time any injury shall be sustained Liability for by any individual, or the corporation shall be subject to any injuries from 50 damages, costs, charges or expenses in consequence of any

defect in any sidewalk, or its being out of repair, the owner and occupant of the adjacent premises whose duty it is to make the repairs, shall be jointly and severally liable therefor, and the same, with costs of suit, may be recovered in any 55 court of competent jurisdiction, or may be otherwise levied against the premises effected by such repairs;

2. The said council may pass by-laws for compelling or Council may regulate conregulating the construction, maintenance, repairs and cleaning struction,

maintenance, &c., of sidewalks. of all sidewalks, and for assessing the real estate fronting thereon or adjacent thereto, and the owners and occupiers thereof, with the cost thereof, if done by the council on their default, and every assessment so made shall form a lien and charge upon such real estate, and be collectable in like manner as other 5 special assessments, upon the same being certified to the city treasurer by the officer under whose charge the works shall have been done and expense incurred;

Council may compel and regulate construction of connections with sewers, water pipes and gas pipes.

3. That the said council may pass by-laws for compelling and regulating the construction, on or in any street or public 10 highway within the city limits, of proper house connections, or branches leading into all main or branch sewers, and also water pipes and gas pipes in all such streets or highways, and for assessing the costs and expenses thereof upon the parcels or lots of real estate for the accommodation of which such connections, 15 branches and pipes may be constructed, provided that in no case except as a sanitary measure shall said council require said house connections to be built further from such sewer than the street limit of such street or highway.

By-laws need not be advertised, but notice of assessment shall be served.

5. That no by-law passed by the Council of the Corporation 20 of the City of Toronto under the provisions of sections five hundred and twenty-nine, five hundred and thirty, five hundred and fifty-one or five hundred and fifty-two of the Municipal Act or of this Act shall require to be advertised or published by the said council in any newspaper, but a written or printed 25 or partly written and partly printed notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owner or agent of the owner of each parcel of real estate included in such by-laws and assessment, and each such notice shall contain a general descrip- 30 tion of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the city 35 clerk, or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the owner's address, at least ten days before the day appointed for the sittings of the said court, and ten days' notice shall also be given by publication in some newspaper, having a general cir- 40 culation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is to be for and the total amount to be assessed.

Special assessments a lien on property rated.

6. Every special assessment made and every special rate imposed and levied under any of the provisions of the said 45 Municipal Act, or under the said Act as amended by this Act, or under the provisions of this Act, shall form a lien and charge upon the real estate upon or in respect of which the same shall have been assessed and rated, and shall be collected in the same manner and with the like remedies as ordinary taxes upon real estate are collectable under the provisions of the Assessment Act.

Council may contract for lighting streets, &c., and for construction and repairs of streets. 7. Notwithstanding anything in "The Municipal Act" contained it shall and may be lawful for the Council of the Corporation of the City of Toronto to make and enter into contracts for lighting the streets, public squares, slips, wharves, docks and other public places, and for the construction, main-

tenance and repair of roadways, pavements and other such local improvements and works extending over a term of years proportionate in the latter case to the average duration of such improvements or works, or for any shorter period upon such 5 terms and subject to such conditions, provisoes and agreements as they may deem necessary and proper to secure the due and proper fulfilment of such contracts; Provided that, in no such case, shall any such contract extend over or beyond the term or period of ten years, and that every such contract is 10 approved by the vote of at least two-thirds of the members of the council present at a regular meeting, the "ayes" and "nays" having been duly taken and recorded.

8. In making the annual estimates, and assessing and levying Annual rates, the annual rate of taxes, under the provisions of the Assessment what to include. 15 Act, the Council of the Corporation of the City of Toronto shall not include therein any rate or item for any improve-ment, works or services declared by the Municipal Act, as amended by this Act, or by this Act to be a lien and charge upon the real estate directly benefited and payable by special 20 assessment, or by the owners or occupants of the real estate directly benefited; but the said council may include in such estimates a sum sufficient to defray the amount of such special assessments as may be required to be made upon real estate, being the property of the City of Toronto, in respect of the several 25 improvements, works and services contemplated by this Act, and to meet unforeseen expenditure, and to defray the costs of such works and services as the council shall have required to be done by the owners and occupants of the real estate directly benefited, and which on default be done by the 30 council, until the costs thereof shall be collected from such owners and occupants or from such assessment.

LICENSES.

2. Subsection four of section four hundred and sixty-one of Sub-sec. 4 of "The Municipal Act" is hereby amended by adding at the end s. 461 of "The Municipal * thereof the words " and also all keepers and proprietors of Act" junk stores or shops and places for the sale or purchase of amended. second-hand goods, wares and merchandize;

2. In all cases where, under the provisions of "The Munici-Powers of pal Act," by this Act, or by any other Act, the Corporation of Corporation 40 the City of Toronto, or the Board of Commissioners of Police Commission of the City of Toronto, have power or are authorized to license sioners. any trade, calling, business or profession, or the person carrying on or engaged in any such trade, calling, business or profession; the said corporation and the said board of commissioners of police respectively shall have the power, and they are respectively hereby authorized, to pass by-laws to fix the sum to be paid for any such license for exercising any such trade, calling, business or profession, in the City of Toronto, and the time the license shall be in force,

NUISANCES.

3. Subsection fifteen of section four hundred and sixty-six Sub-sec. 15 of of "The Municipal Act" is hereby amended by adding at the s. 466 of "The Municipal end thereof the words "and all other nuisances and punishing Act" the authors thereof, and for defining and declaring what shall be amended.

2 - 78.

deemed nuisances, and for authorizing and directing the summary abatement thereof, and assessing and levying the costs thereof upon the real estate in connection with or upon which the same exists;"

amended.

Sub-sec. 17 of 4. Sub-section seventeen of section real.

4. 466 of "The six of "The Municipal Act" is hereby amended by adding at 4. Subsection seventeen of section four hundred and sixty-5 the end thereof the words "including the keeping of cattle and pigs or swine and cattle, or cow byres and piggeries;"

ASSESSMENT.

Water lots liable to assessment.

5. Notwithstanding anything in "The Municipal Act" and 10 "The Assessment Act" contained it shall and may be lawful for the Corporation of the City of Toronto to assess and levy taxes for all general and local purposes upon all the water lots and lands covered with water, situate, lying and being in front of the city and north of the windmill line, and the word "land" 15 as defined in the seventh subsection of section two of the Municipal Act shall be deemed to include and embrace such water lots and lands covered by water.

SCHOOL RATES.

School rate limited.

9. Notwithstanding anything in "The Municipal Act," "The Public School Acts," "The High Schools Act," "The Separate Schools Act," "The Industrial Schools Act," or any 20 other Act heretofore passed by the Legislature of the Province of Ontario contained, the total amount of school rates for all purposes to be assessed, levied and collected in any year by the Council of the Corporation of the City of Toronto shall not exceed a rate of two mills in the dollar, on the total 25 amount of rateable property for the year as appearing by the assessment rolls, after the same have been finally revised and confirmed, and it shall and may be lawful for the said council to require the trustees of the Public, High, Separate and Industrial Schools to limit their requirements accordingly.

Police Expenditure.

Rate for support of police force limited.

10. Notwithstanding anything in the "The Municipal Act," or any other Act heretofore passed by the Legislature of the Province of Ontario, contained the total amount to be assessed levied and collected in any one year by the Council of the 35 Corporation of the City of Toronto for the support and maintenance of the police department, including the remuneration of the members of the force, special detectives, and all other costs, charges and expenses in any way connected with the maintenance and support of the said department and force 40 shall not exceed a rate of two mills in the dollar, on the total amount of rateable property for the year, as appearing by the assessment rolls after the same have been finally revised and confirmed, and it shall and may be lawful for the said council to require the board of commissioners of police to limit their 45 requirements accordingly.

WATER SERVICE.

Powers of

11. The Council of the Corporation of the City of Toronto, shall have power to pass by-laws for the following purposes, namely:

50

1. For assessing, imposing, levying and collecting a uniform to levy a frontfrontage rate or tax not exceeding five cents per foot per annum age water rate; upon all vacant lands and real property fronting or abutting on

any street, lane or alley, where the mains of the Toronto Water 5 Works are laid down, as a special water rate or tax; and every such assessment so made and rate so imposed shall form a lien and charge upon the real estate upon which the same is assessed and shall be collected in the same manner and with

the like remedies as other taxes;

2. For defining districts in the city, within which all wells to close wells, shall be closed and filled up, and for prohibiting the using of etc.; water taken from wells within any district so defined, and for providing for the use of the water supplied by the Toronto Water Works within such districts, and for enforcing and for

15 compelling and regulating the filling and closing up of all such wells within such limits, and for assessing the real estate upon and in which such wells are situate, and the owners and occupiers thereof, with the cost of such filling and closing up, if done by the council in their default, and every such assessment shall

20 form a lien and charge upon such real estate;

3. For prohibiting in the City of Toronto the taking and to prohibit we the use of water taken from the bay by any persons, corporation bay; tions or others, for any purpose whatsoever.

4. For licensing and regulating plumbers for making and to license 25 connecting house-services with the Toronto Water Works.

ORDNANCE LANDS.

The Corporation of the City of Toronto shall have the same Corporation power to sell the lands comprised in and granted to them by sell certain letters patent, under the great seal of the late Province of lands.

30 Canada, bearing date the twenty-first day of October, one thousand eight hundred and fifty eight, and being all and singular that certain parcel or tract of land situate, lying and being within the liberties of the City of Toronto aforesaid, being composed of part of the military reserve, within the said

35 liberties, and which may be otherwise known as follows: that is to say, commencing at the south-east angle of the grounds granted to the Provincial Lunatic Asylum; thence southerly in continuation of the eastern boundary of the said lunatic asylum grounds, three hundred and seventy-one feet, more or less, to the

40 north side of King Street; thence westerly along the north side of King Street to a point four hundred feet east of a line drawn at right angles to King Street and through the centre of the asylum buildings; thence southerly at right angles to King Street, four hundred and eighty-four feet, more or less, to

45 the north side of Wellington Street; thence westerly along the north side of Wellington Street, eight hundred feet; thence northerly on a line at right angles to King Street, four hundred and eighty-four feet, more or less, to the north side of King Street; thence westerly along the north side of King

50 Street to the line of the westerly boundary of the asylum grounds produced; thence northerly along the said produced line, three hundred and seventy-one feet, more or less, to the south-west angle of the asylum grounds; thence easterly along the southern limit of the said asylum grounds, two thousand

55 nine hundred and eighty feet, more or less, to the place of beginning, containing about thirty-three and a half acres, or of any part or parcel thereof, as any person has with regard to the lands of which he is siezed in fee simple absolute: and al

sales, leases or other dispositions thereof heretofore made by the said corporation shall be and be deemed to have been valid notwithstanding any thing in the said patent contained: Provided that the proceeds of any such sale lease or other disposition shall form part of the Walks and Gardens fund of 5 the said Corporation and shall be used and applied only in the acquisition and maintenance of public parks, squares and gardens for the use of the citizens of the said City of Toronto, save and except as to the twenty acres parcel thereof in said letters patent reserved for an exhibition grounds, the proceeds 10 of which shall be applied in aid of the exhibition fund pursuant to the by-law of the said corporation in that behalf.

1st Reading, 29th January, 1879.

An Act to confer on the City of Toronto extended powers with regard to Local Improvements and other matters

TORONTO:

MR. MORRIS

PRINTED BY HUNTER, ROSE & Co.

Session, 3rd Parliament, 42 Vic., 1879.

An Act respecting the re-consolidation and future limitation of the debenture debt of the City of Toronto.

THEREAS the corporation of the City of Toronto, with Preamble. the consent of the citizens, have, by their petition, set forth that the rapid growth and progress of the city during the last few years, and the extensive public improvements 9 effected in connection with the same, particularly in the matters of water supply, fire alarms, aid to railways and other public works contributing to the same: have caused a corresponding expansion of the debenture debt, and that it will be conducive to the welfare and interests of the city as well as 10 greatly facilitate its financial arrangements, to place the said debenture debt on a more satisfactory basis by a re-consolidation of the same; that the said debenture debt on the thirtyfirst day of December, in the year of our Lord one thousand eight hundred and seventy-eight (exclusive of that portion 15 applicable to local improvements), as represented by debentures outstanding and in course of negotiation, is five million, nine hundred and seventy-seven thousand, four hundred and fifteen dollars and twenty-seven cents; that it is desirable to redeem with a portion of the sinking fund (also exclusive of that portion 20 of said sinking fund applicable to local improvements) debentures, amounting to five hundred and thirty-six thousand, three hundred and sixty-three dollars, and ninety-nine cents, thus reducing the said debenture debt to five million, four hundred and fortyone thousand, fifty-one dollars and twenty-eight cents; any resi-25 due of sinking fund to be applied to the redemption of other debentures os outstanding; that it is expedient that certain expenditures made in the year of our Lord one thousand eight hundred and seventy-eight, in the light of permanent improvements, amounting to three hundred and fifty-nine thousand, three hun-30 dred and fifty-four dollars and fifty-seven cents, should be added to the said debt by an issue of debentures, which will bring the total of the said debt sought to be re-consolidated to the sum of five million, eight hundred thousand, four hundred and five dollars and eighty-five cents; which will mature and be-35 come due and be payable as follows:

	1880	201,033	32
	1881		
	1882	101,406	66
	18 83	34,500	00
40	1884		
	1885	229,706	93
	1886	40,200	00
	1888		
	1889	400,000	00
45	1890	100,000	00

1891 13	2.000	00
1892 10		
	1,000	
1894 11	9,000	00
1895 32		
1896 55	0,117	76
1897 1,115		
1898 18		
1904		
Miles	<u> </u>	10
Total as above	1,051	28
Add as above		
5,80	0,405	 85

That the present charges on the said debt, in providing an- 15 nually the excessive rates of interest and sinking fund, at which the debentures have been from time to time issued, form an item in the annual estimates which is oppressive and burdensome, and that a re-arrangement of the debt can be advantageously effected, and issues to replace those outstand- 20 ing readily negotiated at greatly reduced annual rates; that it is further desired to place certain limitations, to the future maximum of issue of the debenture debt, by way of an additional guarantee to the public creditor, and, in adopting an extension of the local improvement system to the future 25 maintenance of streets and highways, to institute a system which will enable so important an object to be attained at the least possible cost; that to enable the issue of debentures to be hereafter made, to be of uniform date as to maturity, it is desired that the city may be relieved from the restrictions 30 placed by statute on debentures issued for school purposes, and that it is desired to negotiate the debentures to be issued under the proposed re-consolidation at long dates extending to forty or fifty years, and in view of the large real estate and public assets held by the city, that the city may be relieved 35 from the necessity of providing a sinking fund, which is deemed of no financial import in effecting a favourable negotiation of their securities; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advise and consent 40 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures anthorized. 1. The Corporation of the City of Toronto may, from time to time, and as occasion may require or opportunity offers, pass by-laws, under the terms and conditions hereinafter provided 45 for authorizing the issue of debentures of the said city to an amount not exceeding in the whole eight millions of dollars, or raising by way of loan upon the credit of such debentures, from any person or persons, body or bodies politic or corporate, either in Canada, Great Britain, the United States of America, 50 or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of eight millions of dollars of lawful money of Canada, which said debentures shall form two classes under the letters "A" and "B," as follows:

Debentures comprised in Class A. 2. Class A shall comprise the debentures to be known and 55 designated as the Toronto General Consolidated Debentures to

the amount of six millions of dollars, which shall be applied to redeem as occasion may offer and as the council from time to time may deem expedient, the debentures in the preamble to this Act mentioned, and to pay off and ex-5 tinguish the said sum of three hundred and fifty-nine thousand three hundred and forty-five dollars and fifty-seven cents, for permanent improvements, also in said preamble mentioned; and future or other expenditure of like nature, the whole issue being nevertheless limited to the said sum of six millions of 10 dollars, subject to extension only as hereafter mentioned; and the Toronto Water Works and the lands required for the purposes thereof, and every matterand thing there with connected, and also the several public markets and buildings, fire and police stations, firealarm telegraphs, the several public buildings and lands con-15 nected therewith, together with all the real estate belonging to the said corporation shall be, and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due 20 and punctual payment of the interest thereupon, and all and each and every of the holders of the Toronto General Consolidated Debentures above mentioned shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works, and property appertaining thereto, and all the 25 said several other properties belonging to the said corporation, for securing the payment of the said debentures and the interest thereon; provided that nothing in this Act contained shall be deemed or construed to affect or discharge any special lien or charge, heretofore created by any Act of Parliament in 30 favour of the holders of any of the debentures in the preamble to this Bill mentioned, upon any portion of the lands and property of the said corporation, or the income derived therefrom. until said last mentioned debentures shall have been redeemed, purchased, or otherwise acquired by the said corporation as

3. Class "B" shall comprise the debentures to be known Debentures and designated as the Toronto General Local Improvement comprised in Class B. Debentures, to the amount of two millions of dollars, the proceeds of which shall be applied solely and exclusively to the con-40 struction of local improvements and in the purchase of local improvement debentures, as the same may be issued from time to time, under the provisions of by-laws to be passed under the provisions of the Statutes in that behalf for the construction of local improvements upon the credit of special and local 45 assessments or rates, and all special assessments and rates to be made and levied under any by-law or by-laws for the construction of local improvements, which local improvements shall have been made with moneys supplied from the proceeds of the said debentures, Class B, and the debentures to be issued 50 in pursuance of all such by laws for local improvements, where the local improvement shall have been made with moneys, the proceeds of said debentures, Class B, shall be, and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be 55 borrowed by the said corporation for the purposes of this Act, in respect of the making and constructing of local improvements, to be made and constructed under local improvement by-laws, and to be paid for by special assessment or rates upon

the real property immediately benefited; as well as for the

35 provided by this Act.

due and punctual payment of the interest thereupon, and all and each, and every of the holders of the said debentures, Class B, above mentioned, shall have a preferential pledge, mortgage, lien, hypothec, or privilege, and charge, upon all such special assessments made, and rates levied, imposed and collected under any by-law for the construction of a local improvement with moneys supplied from the proceeds of the said debentures, Class "B," and upon the local improvement debentures which may be issued in pursuance of any such by-law, for securing the payment of the said debentures, Class B, and the local interest thereon.

Debentures of Classes A and B to be issued as required.

4. The said debentures, Classes A and B, so to be issued, shall be the debentures of the Corporation of the City of Toronto, and may be issued from time to time, as occasion may require, and as the council may think fit, and in such amounts as the 15 council may find expedient to secure advantageous sales, and the said debentures shall be payable within forty years from the day of the date of the respective issues thereof, at any place in Canada, Great Britain, the United States of America, or elsewhere, and may be expressed in sterling money of Great 20 Britain or currency of Canada or the United States of America, and such debentures shall be in sums of not less than one hundred dollars currency or twenty pounds sterling.

Form of de bentures.

5. The said debentures shall be under the common seal of the said city, and signed by the mayor and countersigned by the city treasurer of the said city, and may be in the forms A and B respectively in the Schedule to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which, the same are made payable.

Coupons and rate of interest. 6. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first day of the month of January and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may 35 bear interest at a rate not exceeding five per centum per annum.

Application of debentures in Class A.

7. The said debentures Class A, and any and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the debentures of the City of Toronto, and 40 in the payment of the said sum of three hundredand fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents, for permanent improvements, both in the preamble to this Act mentioned, and in future or other expenditure of like nature, the whole issue being nevertheless limited to the said sum 45 of six millions of dollars subject to extension only as hereinafter mentioned.

Rate for pay ment of interest on Class A. S. For the payment of the interest on the said debentures Class A, there shall be annually raised, levied and collected by the said corporation, upon the whole of the ratable or assessable property of the said city, a rate of so much on the dollar as shall be required to discharge the interest on the amount represented by the debentures issued by the said corporation of that class under the authority of this Act.

Council may remit part of rate for 1878, 9. It shall and may be lawful for the Council of the Corpora- 55 tion of the City of Toronto, by by-law to be passed for that

purpose, to remit and refund the sum of two hundred and ninety-four thousand three hundred and fifty-four dollars and fifty-seven cents, being the equivalent of six mills of the general taxation of the said City of Toronto for the year one thou-5 sand eight hundred and seventy-eight, to the ratepayers of the said eity.

10. The said corporation shall have power to appropriate Amount at the said sum of five hundred and thirty-six thousand three credit of sink hundred and sixty-three dollars and ninety nine and three ing fund may hundred and sixty-three dollars and ninety-nine cents now be used to re 10 standing on the books of the said corporation, to the order of deem debentures the sinking fund, in the redemption of outstanding debentures of the said city, as in the preamble to this Act mentioned, and any residue in the redemption of other debentures so outstanding.

11. All expenses attending the sale or negotiation of the Expenses of debentures Class A, issued under the authority of this Act, and tures in class all discounts thereon, if any, shall be paid out of the general A. revenue of the city in any year in which the said debentures are issued, or the debentures to be redeemed mature, or are 20 otherwise procured for redemption.

12. The said debentures Class B and all moneys arising Application of therefrom, and from the special rates and assessments hereafter debentures in class B. mentioned, and all accumulations of interests thereon, shall be kept by the said corporation as a separate fund and account, to 25 be known and designated as "The Local Improvement Fund" of the City of Toronto, and shall be applied solely and exclusively (1) in payment of the interest on the said debentures Class B, and (2) in the construction and making of local improvements to be constructed and made under local improve-30 ment by-laws, upon the credit of special local assessments or rates upon the real property immediately and specially benefited, pursuant to the statutes in that behalf, and in the purchase of the debentures heretofore issued, or to be hereafter issued, pursuant to such local improvement by-laws, but for no 35 other purpose or purposes whatsoever.

13. All expenses attending the sale or negotiation of the Expenses of debentures, Class "B," issued under the authority of this Act, tures in class and all discounts thereon, if any, shall be paid out of the said B. "Local Improvement Fund Account," and the same shall be 40 estimated for and included in the special assessment so to be made for local improvements.

14. The by-law or by-laws of the said corporation, passed By-law need under the authority of this Aet, shall not require the assent of sented to by the electors of the said city before the final passing thereof.

15. No irregularity in the form of the said debentures, Classes Debentures; to be valid not-"A" and "B," or either of them, or of the by-laws authorizing withstanding the issue thereof, shall render the same invalid or illegal, or any irregularibe allowed as a defence to any action brought against the said ties. corporation for the recovery of the amount of said debentures 50 and interest, or any or either of them, or any part thereof.

16. The amount of the general debenture debt, including Debenture the said "Local Improvement Fund" debt, is hereby limited debt limited. to the sum of eight millions of dollars, being the amount au-

thorized by this Act, and there shall be no increase thereof until the total amount of assessable or ratable property of the said city, as the same shall appear by the assessment rolls in any year when finally revised and confirmed, exceeds the sum of fifty millions of dollars, and thereafter the increase of the general city debenture debt, shall be limited to twelve per centum of such excess of ratable or assessable property over the said sum of fifty millions as shown by such assessment rolls as aforesaid.

Date of payment of debentures and rate to meet same. 17. That any debentures hereafter issued under the provi-10 sions of the last preceding section or under any other statutory authority, whether for general city purposes or for school purposes may, notwithstanding anything in "The Municipal Act," or the Public Schools Act contained, be issued and made payable within forty years from the day of the date of the respec-15 tive issues thereof.

SCHEDULE.

FORM A.

(See sec. 5)

TORONTO GENERAL CONSOLIDATED DEBENTURE.

No.

Province of Ontario, \pounds sterling, City of Toronto.

Under and by virtue of the Act, passed in the forty-first year of the reign of Her Majesty Queen Victoria, and chaptered , and by virtue of By-law No. of the Corporation of the City of Toronto, passed under the powers contained in the said Act;

The Corporation of the City of Toronto promise to pay the bearer or in the sum of £ sterling, on the day of A.D., and the half yearly coupons thereto attached as the same shall severally become due.

[L.S.]

A. B.

Mayor.
C. D.

City Treasurer.

FORM B.

(See sec. 5.)

TORONTO GENERAL LOCAL IMPROVEMENT DEBENTURE.

No. Province of Ontario, £ City of Toronto. sterling,

Under and by virtue of the Aet passed in the forty-first year of the reign of Her Majesty Queen Victoria and chaptered , and by virtue of By-law No. of the City of Toronto, passed under the powers contained in the said Act.

The Corporation of the City of Toronto promise to pay the bearer or in the sum of pounds sterling on the day of A.D. , and the half-yearly coupons hereto attached as the same shall severally become due.

[L.S.]

A. B.,

Mayor.
C. D.,

City Treasurer.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL

An Act respecting the re-consolidation and future limitation of the dehenture debt of the City of Toronto.

1st Reading, 29th January, 1879.

(PRIVATE BILL.)

Mr. Morris.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the re-consolidation and future limitation of the debenture debt of the City of Toronto and for other purposes.

HEREAS the corporation of the City of Toronto, with Preamble. the consent of the citizens, have, by their petition, set forth that the rapid growth and progress of the city during the last few years, and the extensive public improvements 9 effected in connection with the same, particularly in the matters of water supply, fire alarms, aid to railways and other public works contributing to the same: have caused a corresponding expansion of the debenture debt, and that it will be conducive to the welfare and interests of the city as well as 10 greatly facilitate its financial arrangements, to place the said debenture debt on a more satisfactory basis by a re-consolidation of the same; that the said debenture debt on the thirtyfirst day of December, in the year of our Lord one thousand eight hundred and seventy-eight (exclusive of that portion 15 applicable to local improvements), as represented by debentures outstanding and in course of negotiation, is five million, nine hundred and seventy-seven thousand, four hundred and fifteen dollars and twenty-seven cents; that it is desirable to redeem with a portion of the sinking fund (also exclusive of that portion 20 of said sinking fund applicable to local improvements) debentures, amounting to five hundred and thirty-six thousand, three hundred and sixty-three dollars, and ninety-nine cents, thus reducing the said debenture debt to five million, four hundred and forty-one thousand and fifty-one dollars and twenty-eight cents; any resi-25 due of sinking fund to be applied to the redemption of other debentures as outstanding; that it is expedient that certain expenditures made in the year of our Lord one thousand eight hundred and seventy-eight, in the light of permanent improvements, amounting to three hundred and fifty-nine thousand, three hun-30 dred and fifty-four dollars and fifty-seven cents, should be added to the said debt by an issue of debentures, which will bring the total of the said debt sought to be re-consolidated to the sum of five million, eight hundred thousand, four hundred and five dollars and eighty-five cents; which will mature and be-35 come due and be payable as follows:

	1880	201,033	32
	1881	153,793	34
	1882		
	1883		
40	1884		
	1885		
	1886	40,200	00
	1888		
	1889	400,000	00
45	1890	100,000	00

1891 132,000	0 00	
1892 109,400	0 00	
1893 41,000	0 00	
1894 119,000	0 00	
1895 322,15	9 99	5
1896 550,11	7 76	
1897 1,112,038		
1898 186,520	66	
1904	0 00	
1906	6 66	10
Total as above	1 28	
Add as above		
5,800,40	5 85	15

That the present charges on the said debt, in providing annually the excessive rates of interest and sinking fund, at which the debentures have been from time to time issued, form an item in the annual estimates which is oppressive and burdensome, and that a re-arrangement of the debt can be 20 advantageously effected, and issues to replace those outstanding readily negotiated at greatly reduced annual rates; that it is further desired to place certain limitations, to the future maximum of issue of the debenture debt, by way of an additional guarantee to the public creditor; that to enable the issue of 25 debentures to be hereafter made, to be of uniform date as to maturity, it is desired that the city may be relieved from the restrictions placed by statute on debentures isssued for school purposes, and that it is desired to negotiate the debentures to be issued under the proposed re-consolidation at long dates ex- 30 tending to forty years; and whereas the said Corporation have by their said petition asked for power to sell certain of the lands comprised in certain letters-patent bearing date the twenty-first day of October, one thousand eight hundred and fifty-eight, and whereas it is expedient to grant the prayer of 35 the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures by Cerporation. to time, and as occasion may require or opportunity offers, pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole six millions of dollars, or raising by way of loan upon the credit of such debentures, 45 from any person or persons, body or bodies politic or corporate, either in Canada, Great Britain, the United States of America, or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of six millions of dollars of lawful money of Canada.

Debentures how designated. 2. The debentures so to be issued shall be known and designated as the Toronto General Consolidated Debentures and shall be applied to redeem as occasion may offer and as the council from time to time may deem expedient, the outstanding debentures in the preamble to this Act mentioned, 55 and to pay off and extinguish the said sum of three hundred

and fifty-nine thousand three hundred and forty-five dollars and fifty-seven cents, for permanent improvements, also in said preamble mentioned; and any balance or residue thereof not required for the purposes aforesaid, may be applied or ex-5 pended in future or other expenditure of like nature, not being for street or like improvements, the whole issue of said debentures authorized to be issued by this Act being nevertheless limited to the said sum of six millions of dollars, subject to extension only as hereafter mentioned; provided that nothing Proviso.

10 in this Act contained shall be deemed or construed to affect or discharge any special lien or charge, heretofore created by any Act of Parliament in favour of the holders of any of the debentures in the preamble to this Bill mentioned, upon any portion of the lands and property of the said corporation, or the income 15 derived therefrom, until said last mentioned debentures shall have been redeemed, purchased, or otherwise acquired by the said corporation as provided by this Act.

3. The said debentures, so to be issued, shall be the Manner of debentures of the Corporation of the City of Toronto, and issuing decomposition described in the control of the City of Toronto, and issuing decomposition of the City of Toronto, and issued from the City of Toronto, and issued the City of Toronto, an and as the council of said Corporation may think fit, and in such amounts as the said council may find expedient to secure advantageous sales, and the said debentures shall be payable

within jorty years from the day of the date of the respective 25 issues thereof, at any place in Canada, Great Britain, the United States of America, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada or the United States of America, and such debentures shall be in sums of not less than one hundred dollars currency or twenty

30 pounds sterling.

4. The said debentures shall be under the common seal of Form of dethe said city, and signed by the mayor and countersigned by bentures. the city treasurer of the said city, and may be in the form A in the Schedule to this Act, or as near thereto as the cor-35 poration may find convenient, according to the places where, and the money in which, the same are made payable.

5. Coupons shall be attached to the said debentures for the Coupons and payment of the interest thereon, and such interest shall be rate of inpayable half-yearly, on the first day of the month of January terest. 40 and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per centum per annum.

6. The said debentures to be issued under this Act, and any Application of 45 and all moneys arising therefrom, shall be applied by the debentures. said corporation in the redemption of the said now outstanding debentures of the City of Toronto, mentioned in the preamble to this Act, and in the payment of the said sum of three hundred and fifty-nine thousand three hundred and 50 fifty-four dollars and fifty-seven cents, for permanent improvements, also in the preamble to this Act mentioned, and any balance or residue thereof not required for the purposes aforesaid, may be applied or expended in future or other expenditure of like nature, not being for street or like improvements, the 55 whole issue being nevertheless limited to the said sum of six millions of dollars subject to extension only as hereinafter mentioned.

ment of in-

7. For the payment of the interest on the said debentures levied for pay-hereby authorized to be issued, there shall be annually raised, levied, and collected by the said Corporation upon the whole of the then ratable or assessable property of the said city, a rate of so much on the dollar as shall be required to discharge 5 the interest on the amount represented by debentures issued by the said Corporation and now outstanding, or debentures issued under the authority of this Act to redeem the same, until the principal and interest of all the said debentures have become due and are fully paid and satisfied, provided that on 10 any such outstanding debentures purchased before the maturity thereof by the said Corporation as an investment under this Act of sinking fund moneys the interest to be so raised shall not exceed five per cent. per annum, anything expressed in the said debentures so purchased or the coupons attached to the 15 same to the contrary notwithstanding.

Sinking Fund

S. From and after the first day of July one thousand eight hundred and seventy nine, until the first day of July one thousand nine hundred and nineteen inclusive, it shall be incumbent on the said Corporation, in addition to the said 20 interest, to provide yearly until the debentures now outstanding as aforesaid, and the renewals thereof and the debentures issued under the authority of this Act are fully paid or satisfied, such sum as shall be sufficient to represent and provide a sinking fund of and at the rate of three quarters of 25 one per cent., for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose, in addition to the other rate or rates from time to time imposed under this Act.

9. The said Corporation shall have powers at any time to 30 Sinking Fund. invest any moneys standing at the credit of the Sinking Fund created under this Act, in the redemption of the outstanding debentures of the said city authorized to be redeemable by the debentures issued under this Act, or in the redemption of the debentures issued under the authority of this Act, and no such 35 moneys of the Sinking Fund created by this Act shall be invested in securities other than the said debentures without the sanction of the Lieutenant-Governor in Council.

Discounts on debentures for Sinking Fund and interest thereon to be credited to fund.

10. All discounts on debentures purchased by the said Corporation as a sinking fund investment shall be placed to the 40 credit of the sinking fund account, and should the Corporation redeem any of its outstanding debentures as in the last section mentioned, before maturity, the Corporation shall nevertheless continue to provide the interest on all its unmatured debentures; and the interest on such debentures as may be held 45 by the Corporation on account of the Sinking Fund, shall be, as the said interest matures, but at a rate not to exceed five per cent. per annum, as in section seven provided, placed to the credit of the said sinking fund account.

Sinking Fund charge on

11. The said sinking fund rate, or annual sum to be pro- 50 moneys a first vided as aforesaid, shall be placed at the credit of the Sinking taxes of each Fund by the City Treasurer of the said city, out of the first money paid to the Treasurer in each year by the collectors of taxes or by the taxpayers of the said city, and such sinking fund moneys shall on no account be used or applied by the 55 said Corporation or Treasurer for any other purpose or purposes than those authorized by this Act.

12. It shall and may be lawful for the Council of the Corporation of t ration of the City of Toronto, by by-law to be passed for that rate for 1878. purpose, to remit and refund the sum of two hundred and ninety-four thousand three hundred and fifty-four dollars and 5 fifty-seven cents, being the equivalent of six mills of the general taxation of the said City of Toronto for the year one thousand eight hundred and seventy-eight, to the ratepayers of the said city.

13. The said corporation shall have power to appropriate Amount at 10 the said sum of five hundred and thirty-six thousand three ing fund may hundred and sixty-three dollars and ninety-nine cents now be used to restanding on the books of the said corporation, to the credit of tures. the sinking fund, in the redemption of outstanding debentures of the said city, as in the preamble to this Act mentioned, 15 and any residue in the redemption of other debentures so outstanding.

14. All expenses attending the sale or negotiation of the Expenses of debentures, issued under the authority of this Act, and tures. all discounts thereon, if any, shall be paid out of the general 20 revenue of the city in any year in which the said debentures are issued, or the debentures to be redeemed mature, or are otherwise procured for redemption.

15. The by-law or by-laws of the said corporation, passed By-law need not be asunder the authority of this Act, for authorizing renewal issues sented to by 25 to redeem all or any of the said outstanding debentures or for electors. paying the said sum of three hundred and fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents in the preamble to this Act mentioned, shall not require the assent of the electors of the said city before the final passing 30 thereof; but by-laws other than those above specified, if requiring by the Municipal Act the assent of the electors, shall be duly submitted for the same under, and as required by such of the provisions of the said Municipal Act as relate to any such by-law.

35 16. No irregularity in the form of the said debentures, Debentures to or of the by-laws authorizing the issue thereof, shall render the be valid not withstanding same invalid or illegal, or be allowed as a defence to any action any irregulari-brought against the said corporation for the recovery of the ties. amount of said debentures and interest, or any or either of 40 them, or any part thereof.

17. The amount of the general debenture debt of the said Debenture City of Toronto is hereby limited to the sum of six millions debt limited. of dollars, being the amount authorized by this Act, and there shall be no increase thereof until the total amount of assessable 45 or ratable property of the said city, as the same shall appear by the assessment rolls in any year when finally revised and confirmed, exceeds the sum of fifty, millions of dollars, and thereafter the increase of the general city debenture debt, shall be limited to eight per centum of such excess of ratable 50 or assessable property over the said sum of fifty millions as shown by such assessment rolls as aforesaid, but there shall be no increase of such debenture debt beyond said sum of six millions of dollars, unless the by-law relating thereto or creating the same shall first be duly submitted to the electors 55 for their assent under and subject to the same provisions in

that behalf as are specially mentioned in Section fifteen.

Date of payment of debentures. 18. Any debentures hereafter issued by the said Corporation of the City of Toronto, under the provisions of the last preceding section or under any other statutory authority, whether for general city purposes or for school purposes may, notwithstanding anything in "The Municipal Act," or the Public Schools Act contained, be issued and made payable at any time within forty years from the day of the date of the respective issues thereof.

ORDNANCE LANDS.

Corporation empowered to sell certain lands.

19. The Corporation of the City of Toronto shall have the 10 same power to sell the lands comprised in and granted to them by letters patent, under the great seal of the late Province of Canada, bearing date the twenty-first day of October, one thousand eight hundred and fifty eight, and being all and singular that certain parcel or tract of land situate, lying and 15 being within the liberties of the City of Toronto aforesaid, being composed of part of the military reserve, within the said liberties, and which may be otherwise known as follows: that is to say, commencing at the south-east angle of the grounds granted to the Provincial Lunatic Asylum; thence southerly in 20 continuation of the eastern boundary of the said lunatic asylum grounds, three hundred and seventy-one feet, more or less, to the north side of King Street; thence westerly along the north side of King Street to a point four hundred feet east of a line drawn at right angles to King Street and through the centre 25 of the asylum buildings; thence southerly at right angles to King Street, four hundred and eighty-four feet, more or less, to the north side of Wellington Street; thence westerly along the north side of Wellington Street, eight hundred feet; thence northerly on a line at right angles to King Street, four hun- 30 dred and eighty-four feet, more or less, to the north side of King Street; thence westerly along the north side of King Street to the line of the westerly boundary of the asylum grounds produced; thence northerly along the said produced line, three hundred and seventy-one feet, more or less, to the 35 south-west angle of the asylum grounds; thence easterly along the southern limit of the said asylum grounds, two thousand nine hundred and eighty feet, more or less, to the place of beginning, containing about thirty-three and a half acres, or of any part or parcel thereof, as any person has with regard to 40 the lands of which he is seized in fee simple absolute: and all sales, leases, exchanges or other dispositions thereof, or of any part thereof heretofore made by the said corporation shall be and be deemed to have been valid notwithstanding any thing in the said patent contained: Provided that the proceeds of 45 any such sale, lease, or other disposition or of any lands taken in exchange as aforesaid, shall form part of the Walks and Gardens Fund of the said Corporation and shall be used and applied only in the acquisition and maintenance of public parks, squares and gardens for the use of the citizens of the said City 50 of Toronto, save and except as to the twenty acres parcel letters patent reserved for exhibition thereof in said grounds, the proceeds of which shall be applied in aid of the exhibition fund pursuant to the by-laws of the said corporation in that behalf. 55

Proviso.

20. This Act may be known and cited as "The City of Toronto Consolidation Debenture Act, 1879."

SCHEDULE.

FORM A.

(See sec. 4)

TORONTO GENERAL CONSOLIDATED DEBENTURE.

(Issued under "The City of Toronto Consolidation Debenture Act, 1879.")

No. Province of Ontario, £ sterling City of Toronto.

Under and by virtue of "The City of Toronto Consolidation Debenture Act, 1879," being an Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered, and by virtue of By-law No. of the Corporation of the City of Toronto, passed under the powers contained in the said Act;

The Corporation of the City of Toronto promise to pay the bearer or in the sum of £ sterling, on the

day of A.D., and the half yearly coupons thereto attached as the same shall severally become due.

[L.S.]

A. B.

Mayor.
C. D.

City Treasurer.

4th Session, 3rd Parliament, 42 Vic., 1879

PTPP.

An Act respecting the re-consolidation and future limitation of the debenture debt of the City of Toronto, and for other purposes.

(Reprinted as amended.)

1st Reading, 29th January, 1879.

(PRIVATE BILL.)

Mr. Morris.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the re-consolidation and future limitation of the general debenture debt of the City of Toronto and for other purposes.

THEREAS the corporation of the City of Toronto, with Preamble. the consent of the citizens, have, by their petition, set forth that the rapid growth and progress of the city during the last few years, and the extensive public improvements 9 effected in connection with the same, particularly in the matters of water supply, fire alarms, aid to railways and other public works contributing to the same have caused a corresponding expansion of the debenture debt, and that it will be conducive to the welfare and interests of the city as well as 10 greatly facilitate its financial arrangements, to place the said debenture debt on a more satisfactory basis by a re-consolidation of the same; that the said debenture debt on the thirtyfirst day of December, in the year of our Lord one thousand eight hundred and seventy-eight (exclusive of that portion 15 applicable to local improvements), as represented by debentures outstanding and in course of negotiation, is five million, nine hundred and seventy-seven thousand, four hundred and fifteen dollars and twenty-seven cents; that it is desirable to redeem with a portion of the sinking fund (also exclusive of that 20 portion of said sinking fund applicable to local improvements) debentures, amounting to five hundred and thirty-six thousand, three hundred and sixty-three dollars, and ninetynine cents, thus reducing the said general debenture debt to five million, four hundred and forty-one thousand and 25 fifty-one dollars and twenty-eight cents; any residue of sinking fund to be applied to the redemption of other debentures as outstanding; that it is expedient that certain expenditures made in the year of our Lord one thousand eight hundred and seventy-eight, in the light of permanent improvements, 30 amounting to three hundred and fifty-nine thousand, three hundred and fifty-four dollars and fifty-seven cents, should be added to the said debt by an issue of debentures, which will bring the total of the said general debt sought to be re-consolidated to the sum of five million, eight hundred thousand, four hundred and 35 five dollars and eighty-five cents; which will mature and become due and be payable as follows:

1880..... 201,033 32 1881..... 153,793 34 1882..... 101,406 66 34,500 00 1883.... 40 63,266 64 1884..... 1885..... 229,706 93 1886..... 40,200 00 1000..., 45,000 00 1889..... 400,000 00 45 1890..... 100,000 00

1891	. 132,000	00
1892	. 109,400	00
1893		
1894		
1895		
1896		
1897		
1898		
1904		
1906		
Total as above	.5,441,051	28
Add as above		
	5,800,405	85 15
	0,000,100	10

That the present charges on the said debt, in providing annually the excessive rates of interest and sinking fund, at which the debentures have been from time to time issued, form an item in the annual estimates which is oppressive and burdensome, and that a re-arrangement of the debt can be 20 advantageously effected, and issues to replace those outstanding readily negotiated at greatly reduced annual rates; that it is further desired to place certain limitations, to the future maximum of issue of the said general debenture debt, by way of an additional guarantee to the public creditor; that 25 to enable the issue of debentures to be hereafter made, to be of uniform date as to maturity, it is desired that the city may be relieved from the restrictions placed by statute on debentures isssued for school purposes, and that it is desired to negotiate the debentures to be issued under the pro- 30 posed re-consolidation at long dates extending to forty years; and whereas the said Corporation have by their said petition asked for power to sell certain of the lands comprised in certain letters-patent bearing date the twenty-first day of October, one thousand eight hundred and fifty-eight, and whereas 35 it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures by Corporation. to time, and as occasion may require or opportunity offers, pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole six millions of dollars, or raising by way of loan upon the credit of such debentures, 45 in any person or persons, body or bodies politic or corporate, either in Canada, Great Britain, the United States of America, or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of six millions of dollars of lawful money of Canada.

Designation and application of debentures.

2. The debentures so to be issued shall be known and designated as the Toronto General Consolidated Debentures and the said debentures and all moneys arising therefrom shall be applied to redeem as occasion may offer and as the council of the said corporation from time to time may deem expedient, the out- opstanding debentures in the preamble to this Act mentioned, and to pay off and extinguish the said sum of three hundred

and fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents, for permanent improvements, also in said preamble mentioned; and any balance or residue thereof not required for the purposes aforesaid, may be applied or ex-5 pended in future or other expenditure of like nature, not being for street or like improvements, the whole issue of said debentures authorized to be issued by this Act being nevertheless limited to the said sum of six millions of dollars, subject to extension only as hereafter mentioned; provided that nothing Proviso. 10 in this Act contained shall be deemed or construed to affect or discharge any special lien or charge, heretofore created by any Act of Parliament in favour of the holders of any of the debentures in the preamble to this Bill mentioned, upon any portion of the lands and property of the said corporation, or the income 15 derived therefrom, until said last mentioned debentures shall

have been redeemed, purchased, or otherwise acquired by the

said corporation as provided by this Act.

3. The said debentures, so to be issued, shall be the Manner of debentures of the Corporation of the City of Toronto, and issuing debentures 20 may be issued from time to time, as occasion may require, and as the council of said Corporation may think fit, and in such amounts as the said council may find expedient to secure advantageous sales, and the said debentures shall be payable within forty years from the day of the date of the respective 25 issues thereof, at any place in Canada, Great Britain, the United States of America, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada or the United States of America, and such debentures shall be in sums of not less than one hundred dollars currency or twenty 30 pounds sterling.

4. The said debentures shall be under the common seal of Form of dethe said-city, and signed by the mayor and countersigned by bentures. the city treasurer of the said city, and may be in the form A in the Schedule to this Act, or as near thereto as the cor-35 poration may find convenient, according to the places where, and the money in which, the same are made payable.

5. Coupons shall be attached to the said debentures for the Coupons and payment of the interest thereon, and such interest shall be rate of inpayable half-yearly, on the first day of the month of January terest. 40 and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per centum per annum.

6. For the payment of the interest on the said debentures Rate to be 45 hereby authorized to be issued, there shall be annually raised, levied for paylevied, and collected by the said Corporation upon the whole terest. of the then ratable or assessable property of the said city, a rate of so much on the dollar as shall be required to discharge the interest on the amount represented by debentures issued 50 by the said Corporation and now outstanding, or debentures issued under the authority of this Act to redeem the same, until the principal and interest of all the said debentures have become due and are fully paid and satisfied, provided that on any such outstanding debentures purchased before the maturity zz the sof by the soid Our poration as an investment under this Act of sinking fund moneys the interest to be so raised shall

not exceed five per cent. per annum, anything expressed in the said debentures so purchased or the coupons attached to the same to the contrary notwithstanding.

Sinking Fund

7. From and after the first day of July one thousand eight hundred and seventy nine, until the first day of July one thousand nine hundred and nineteen inclusive, it shall be incumbent on the said Corporation, in addition to the said interest, to provide yearly until the debentures now outstanding as aforesaid, and the renewals thereof and the debentures issued under the authority of this Act are fully paid or 10 satisfied, such sum as shall be sufficient to represent and provide a sinking fund of and at the rate of three quarters of one per cent., for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose, in addition to the other rate or rates from time 15 to time imposed under this Act.

Interest of

8. The said Corporation shall have power at any time to Sinking Fund invest any moneys standing at the credit of the Sinking Fund created under this Act, in the redemption of the outstanding debentures of the said city authorized to be redeemable by the 20 debentures issued under this Act, or in the redemption of the debentures issued under the authority of this Act, and no such moneys of the Sinking Fund created by this Act shall be invested in securities other than the said debentures without the sanction of the Lieutenant-Governor in Council. 25

Discounts on and interest thereon to be credited to fund.

9. All discounts on debentures purchased by the said Cordebentures for poration as a sinking fund investment shall be placed to the credit of the sinking fund account, and should the Corporation redeem any of its outstanding debentures as in the last section mentioned, before maturity, the Corporation shall never- 30 theless continue to provide the interest on all its unmatured debentures; and the interest on such debentures as may be held by the Corporation on account of the Sinking Fund, shall be, as the said interest matures, but at a rate not to exceed five per cent. per annum, as in section seven provided, placed to the 35 credit of the said sinking fund account.

Sinking Fund charge on taxes of each vear.

10. The said sinking fund rate, or annual sum to be promoneys a first vided as aforesaid, shall be placed at the credit of the Sinking Fund by the City Treasurer of the said city, out of the first money paid to the Treasurer in each year by the collectors of 40 taxes or by the taxpayers of the said city, and such sinking fund moneys shall on no account be used or applied by the said Corporation or Treasurer for any other purpose or purposes than those authorized by this Act.

Council may remit part of rate for 1878.

11. It shall and may be lawful for the Council of the Corpo- 45 ration of the City of Toronto, by by-law to be passed for that purpose, to remit and refund the sum of two hundred and ninety-four thousand three hundred and fifty-four dollars and fifty-seven cents, being the equivalent of six mills of the general taxation of the said City of Toronto for the year one thou- 50 sand eight hundred and seventy-eight, to the ratepayers of the said city.

12. The said corporation shall have power to appropriate credit of sink the said sum of five hundred and thirty-six thousand three

hundred and sixty-three dollars and ninety-nine cents now ing fund may standing on the books of the said corporation, to the credit of be used to re the sinking fund, in the redemption of outstanding debentures tures. of the said city, as in the preamble to this Act mentioned, 5 and any residue in the redemption of other debentures so outstanding.

13. All expenses attending the sale or negotiation of the Expenses of debentures, issued under the authority of this Act, and sale of deben all discounts thereon, if any, shall be paid out of the general tures. 10 revenue of the city in any year in which the said debentures are issued, or the debentures to be redeemed mature, or are otherwise procured for redemption.

14. The by-law or by-laws of the said corporation, passed By-law need under the authority of this Act, for authorizing renewal issues sented to by 15 to redeem all or any of the said outstanding debentures or for electors. paying the said sum of three hundred and fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents in the preamble to this Act mentioned, shall not require the assent of the electors of the said city before the final passing 20 thereof; but by-laws other than those above specified, if requiring by the Municipal Act the assent of the electors, shall

15. No irregularity in the form of the said debentures, Debentures to or of the by-laws authorizing the issue thereof, shall render the be valid not withstanding same invalid or illegal, or be allowed as a defence to any action any irregularibrought against the said corporation for the recovery of the ties. amount of said debentures and interest, or any or either of 30 them, or any part thereof.

any such by-law.

be duly submitted for the same under, and as required by such of the provisions of the said Municipal Act as relate to

16. The amount of the general debenture debt of the said Debenture City of Toronto is hereby limited to the sum of six millions debt limited. of dollars, being the amount authorized by this Act, and there shall be no increase thereof until the total amount of assessable

- 35 or ratable property of the said city, as the same shall appear by the assessment rolls in any year when finally revised and confirmed, exceeds the sum of fifty millions of dollars, and thereafter the increase of the general city debenture debt, shall be limited to eight per centum of such excess of ratable
- 40 or assessable property over the said sum of fifty millions as shown by such assessment rolls as aforesaid, but there shall be no increase of such debenture debt beyond said sum of six millions of dollars, unless the by-law relating thereto or creating the same shall first be duly submitted to the electors 45 for their assent under and subject to the same provisions in
- that behalf as are specially mentioned in Section fifteen.
- 17. Any debentures hereafter, issued by the suid Cor- Date of payporation of the City of Toronto, under the provisions of the ment of debentures. last preceding section or under any other statutory authority, 50 whether for general city purposes or for school purposes may, notwithstanding anything in "The Municipal Act," or the Public Schools Act contained, be issued and made payable at any time within forty years from the day of the date of the respective issues thereof.

ORDNANCE LANDS.

Corporation empowered to sell certain lands.

18. The Corporation of the City of Toronto shall have the same power to sell the lands comprised in and granted to them by letters patent, under the great seal of the late Province of Canada, bearing date the twenty-first day of October, one thousand eight hundred and fifty eight, and being all and sin- 5 gular that certain parcel or tract of land situate, lying and being within the liberties of the City of Toronto aforesaid, being composed of part of the military reserve, within the said liberties, and which may be otherwise known as follows: that is to say, commencing at the south-east angle of the grounds 10 granted to the Provincial Lunatic Asylum; thence southerly in continuation of the eastern boundary of the said lunatic asylum grounds, three hundred and seventy-one feet, more or less, to the north side of King Street; thence westerly along the north side of King Street to a point four hundred feet east of a line 15 drawn at right angles to King Street and through the centre of the asylum buildings; thence southerly at right angles to King Street, four hundred and eighty-four feet, more or less, to the north side of Wellington Street; thence westerly along the north side of Wellington Street, eight hundred feet; thence 20 northerly on a line at right angles to King Street, four hundred and eighty-four feet, more or less, to the north side of King Street; thence westerly along the north side of King Street to the line of the westerly boundary of the asylum grounds produced; thence northerly along the said produced 25 line, three hundred and seventy-one feet, more or less, to the south-west angle of the asylum grounds; thence easterly along the southern limit of the said asylum grounds, two thousand nine hundred and eighty feet, more or less, to the place of beginning, containing about thirty-three and a half acres, or of 30 any part or parcel thereof, as any person has with regard to the lands of which he is seized in fee simple absolute: and all sales, leases, exchanges or other dispositions thereof, or of any part thereof heretofore made by the said corporation shall be and be deemed to have been valid notwithstanding any thing 35 in the said patent contained: Provided that the proceeds of any such sale, lease, or other disposition or of any lands taken in exchange as aforesaid, shall form part of the Walks and Gardens Fund of the said Corporation and shall be used and applied only in the acquisition and maintenance of public parks, 40 squares and gardens for the use of the citizens of the said City of Toronto, save and except as to the twenty acres parcel thereof in said letters patent reserved for exhibition grounds, the proceeds of which shall be applied in aid of the exhibition fund pursuant to the by-laws of the said corporation 45 in that behalf.

Proviso.

19. This Act may be known and cited as "The City of Toronto Consolidation Debenture Act, 1879."

SCHEDULE.

FORM A.

(See sec. 4)

TORONTO GENERAL CONSOLIDATED DEBENTURE.

(Issued under "The City of Toronto Consolidation Debenture Act, 1879.")

No. Province of Ontario, £ sterling
City of Toronto.

Under and by virtue of "The City of Toronto Consolidation Debenture Act, 1879," being an Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered, and by virtue of By-law No. of the Corporation of the City of Toronto, passed under the powers contained in the said Act;

The Corporation of the City of Toronto promise to pay the bearer or in the sum of £ sterling, on the

day of A.D., and the half yearly coupons thereto attached as the same shall severally become due.

[L.S.]

A. B.

Mayor.

C. D.

City Treasurer.

DIA

An Act respecting the re-consolidation and future limitation of the general debenture debt of the City of Toronto, and for other purposes.

(Reprinted as amended.)

1st Reading, 29th January, 1879.
2nd "4th March, 1879.

(PRIVATE BILL.)

Mr. Morris.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the re-consolidation and future limitation of the general debenture debt of the City of Toronto and for other purposes.

HEREAS the corporation of the City of Toronto, with Preamble. the consent of the citizens, have, by their petition, set forth that the rapid growth and progress of the city during the last few years, and the extensive public improvements effected in connection with the same, particularly in the matters of water supply, fire alarms, aid to railways and other public works contributing to the same have caused a corresponding expansion of the debenture debt, and that it will be conducive to the welfare and interests of the city as well as greatly facilitate its financial arrangements, to place the said debenture debt on a more satisfactory basis by a re-consolidation of the same; that the said debenture debt on the thirtyfirst day of December, in the year of our Lord one thousand eight hundred and seventy-eight (exclusive of that portion applicable to local improvements), as represented by debentures outstanding and in course of negotiation, is five million, nine hundred and seventy-seven thousand, four hundred and fifteen dollars and twenty-seven cents; that it is desirable to redeem with a portion of the sinking fund (also exclusive of that portion of said sinking fund applicable to local improvements) debentures, amounting to five hundred and thirty-six thousand, three hundred and sixty-three dollars, and ninetynine cents, thus reducing the said general debenture debt to five million, four hundred and forty-one thousand and fifty-one dollars and twenty-eight cents; any residue of sinking fund to be applied to the redemption of other debentures as outstanding; that it is expedient that certain expenditures made in the year of our Lord one thousand eight hundred and seventy-eight, in the light of permanent improvements, amounting to three hundred and fifty-nine thousand, three hundred and fifty-four dollars and fifty-seven cents, should be added to the said debt by an issue of debentures, which will bring the total of the said general debt sought to be re-consolidated to the sum of five million, eight hundred thousand, four hundred and five dollars and eighty-five cents; which will mature and become due and be payable as follows:

1880	201,033	32
1881	153,793	34
1882	101,406	66
1883		
1884		
1885		
1886		
1888		
1889		
1890	100,000	00

1891 132,000 00 1892 109,400 00 1893 41,000 00
189341,000,00
TI,000 00
1894 119,000 00
1895322,159 99
1896 550,117 76
18971,112,033, 32
1898 $186,526$ 66
1904
1906 899,846 66
Total as above
Add as above 359,354 57
5,800,405 85

That the present charges on the said debt, in providing annually the excessive rates of interest and sinking fund, at which the debentures have been from time to time issued, form an item in the annual estimates which is oppressive and burdensome, and that a re-arrangement of the debt can be advantageously effected, and issues to replace those outstanding readily negotiated at greatly reduced annual rates; that it is further desired to place certain limitations, to the future maximum of issue of the said general debenture debt, by way of an additional guarantee to the public creditor; that to enable the issue of debentures to be hereafter made, to be of uniform date as to maturity, it is desired that the city may be relieved from the restrictions placed by statute on debentures isssued for school purposes, and that it is desired to negotiate the debentures to be issued under the proposed re-consolidation at long dates extending to forty years; and whereas the said Corporation have by their said petition asked for power to sell certain of the lands comprised in certain letters-patent bearing date the twenty-first day of October, one thousand eight hundred and fifty-eight; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures by Corporation. 1. The Corporation of the City of Toronto may, from time to time, and as occasion may require or opportunity offers, pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole six millions of dollars, or raising by way of loan upon the credit of such debentures, from any person or persons, body or bodies politic or corporate, either in Canada, Great Britain, the United States of America, or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of six millions of dollars of lawful money of Canada.

Designation and application of debentures.

2. The debentures so to be issued shall be known and designated as the "Toronto General Consolidated Debentures," and the said debentures and all moneys arising therefrom shall be applied to redeem as occasion may offer, and as the council of the said corporation from time to time may deem expedient, the outstanding debentures in the preamble to this Act mentioned, and to pay off and extinguish the said sum of

three hundred and fifty-nine thousand three hundred and fiftyfour dollars and fifty-seven cents for permanent improvements, also in said preamble mentioned, and any balance or residue thereof not required for the purposes aforsaid may be applied or expended in improvements of like nature, not being street or like improvements, the whole issue of said debentures authorized to be issued by this Act, being nevertheless limited to the said sum of six millions of dollars, subject to extension only as hereafter mentioned; and it is hereby further enacted that the Toronto Water Works, and the lands required for the purposes thereof, and every matter and thing therewith connected, and also the several public markets and buildings, fire and police stations, fire alarm telegraphs, the several public buildings and land. graphs, the several public buildings and lands connected therewith, together with all the real estate belonging to the said corporation estimated to be of about the value of five millions of dollars (save and except the property on the esplanade known as the old pumping engine lot, the lands situate on the south side of Bloor Street, the lands on the north side of St. Patrick Street, and the east side of Huron Street, and the lands known as the Clover Hill reservoir, being parts of the Furniss estate acquired by the said corporation, and also the property situate on the south side of Cecil Street and known as the Bowes property, acquired by the said corporation; and also the lands mentioned in the eighteenth section of this Act and the other lands mentioned in the letters patent, bearing date the twenty-first day of October, one thousand eight hundred and fiftyeight, together with that other portion of the lands known as ordnance lands recently acquired by the said corporation and being enclosed in the old exhibition park; and also save and except the income derived from all city property, until default shall have been made either in payment of interest or principal of any of the said outstanding debentures; shall beand they are hereby specially charged, pledged, mortgaged and hypothecated as security for the payment of all and singular the said outstanding debentures, and all and each and every of the holders of the said outstanding debentures above mentioned shall have a preferential lien, pledge, mortgage, hypothec or privilege on the said lands, water works, and property appertaining thereto, and all the said several other properties belonging to the said corporation, except as aforesaid, for securing the payment of the said debentures and the interest thereon: Provided that nothing in this Act contained Proviso. shall be deemed or construed to affect or discharge any special lien or charge heretofore created by any Act of Parliament in favour of the holders of any of the outstanding debentures in the preamble to this bill mentioned upon any portion of the lands and property of the said corporation or the income derived therefrom until said last mentioned debentures shall have been redeemed, purchased or otherwise acquired by the said corporation as provided by this Act: Provided always Proviso. that it shall be lawful for the said corporation, and they are hereby authorized notwithstanding the pledge or lien as aforesaid to sell and convey to any purchaser or purchasers any of the said lands and properties freed and discharged by such sale and conveyance of the said lien or charge and to exchange the same or any part thereof for other lands and property, and such lands and property so given in exchange shall be freed and discharged from such lien or charge, and the lands and property acquired in lieu thereof shall be charged as

herein mentioned, and the proceeds of any such sale shall be applied and used only or held in trust for the redemption or payment of the said outstanding debentures in the preamble to this Act mentioned until the same are fully redeemed or paid.

Manner of issuing debentures. 3. The said debentures, so to be issued, shall be the debentures of the Corporation of the City of Toronto, and may be issued from time to time, as occasion may require, and as the council of said Corporation may think fit, and in such amounts as the said council may find expedient to secure advantageous sales, and the said debentures shall be payable within forty years from the day of the date of the respective issues thereof, at any place in Canada, Great Britain, the United States of America, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada or the United States of America, and such debentures shall be in sums of not less than one hundred dollars currency or twenty pounds sterling.

Form of debentures. 4. The said debentures shall be under the common seal of the said city, and signed by the mayor and countersigned by the city treasurer of the said city, and may be in the form A in the Schedule to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which, the same are made payable.

Coupons and rate of interest.

5. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first day of the month of January and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per centum per annum.

Rate to be levied for payment of interest.

6. For the payment of the interest on the said debentures hereby authorized to be issued, there shall be annually raised, levied, and collected by the said Corporation upon the whole of the then ratable or assessable property of the said city, a rate of so much on the dollar as shall be required to discharge the interest on the amount represented by debentures issued by the said Corporation and now outstanding, or debentures issued under the authority of this Act to redeem the same, until the principal and interest of all the said debentures have become due and are fully paid and satisfied, provided that on any such outstanding debentures purchased before the maturity thereof by the said Corporation as an investment under this Act of sinking fund moneys the interest to be so raised shall not exceed five per cent. per annum, anything expressed in the said debentures so purchased or the coupons attached to the same to the contrary notwithstanding.

Sinking Fund!

7. From and after the first day of July one thousand eight hundred and seventy nine, until the first day of July one thousand nine hundred and nineteen inclusive, it shall be incumbent on the said Corporation, in addition to the said interest, to provide yearly until the debentures now outstanding as aforesaid, and the renewals thereof and the debentures issued under the authority of this Act are fully paid or satisfied, such sum as shall be sufficient to represent and

provide a sinking fund of and at the rate of three quarters of one per cent., for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose, in addition to the other rate or rates from time to time imposed under this Act.

S. The said Corporation shall have power at any time to Interest of invest any moneys standing at the credit of the Sinking Fund. created under this Act, in the redemption of the outstanding debentures of the said city authorized to be redeemable by the debentures issued under this Act, or in the redemption of the debentures issued under the authority of this Act, and no such moneys of the Sinking Fund created by this Act shall be invested in securities other than the said debentures without the sanction of the Lieutenant-Governor in Council.

9. All discounts on debentures purchased by the said Cor-Discounts on poration as a sinking fund investment shall be placed to the debentures for sinking fund account, and should the Corporation redeem any of its outstanding debentures as in the last thereon to be section mentioned, before maturity, the Corporation shall neversection mentioned, before maturity, the Corporation shall nevertheless continue to provide the interest on all its unmatured debentures; and the interest on such debentures as may be held by the Corporation on account of the Sinking Fund, shall be, as the said interest matures, but at a rate not to exceed five per cent. per annum, as in section seven provided, placed to the credit of the said sinking fund account.

10. The said sinking fund rate, or annual sum to be pro-sinking Fund vided as aforesaid, shall be placed at the credit of the Sinking moneys a first Fund by the City Treasurer of the said city, out of the first taxes of each money paid to the Treasurer in each year by the collectors of year. taxes or by the taxpayers of the said city, and such sinking fund moneys shall on no account be used or applied by the said Corporation or Treasurer for any other purpose or purposes than those authorized by this Act.

11. It shall and may be lawful for the Council of the Corpo- Council may ration of the City of Toronto, by by-law to be passed for that remit part of 1979 purpose, to remit and refund the sum of two hundred and rate for 1878. ninety-four thousand three hundred and fifty-four dollars and fifty-seven cents, being the equivalent of six mills of the general taxation of the said City of Toronto for the year one thousand eight hundred and seventy-eight, to the ratepayers of the said city.

12. The said corporation shall have power to appropriate Amount at the said sum of five hundred and thirty-six thousand three credit of sinkhundred and sixty-three dollars and ninety-nine cents now be used to restanding on the books of the said corporation, to the credit of deem debentures. the sinking fund, in the redemption of outstanding debentures of the said city, as in the preamble to this Act mentioned, and any residue in the redemption of other debentures so outstanding.

All expenses attending the sale or negotiation of the Expenses of debentures, issued under the authority of this Act, and sale of debentures. all discounts thereon, if any, shall be paid out of the general revenue of the city in any year in which the said debentures are issued, or the debentures to be redeemed mature, or are otherwise procured for redemption.

By-law need not be assented to by electors.

14. The by-law or by-laws of the said corporation, passed under the authority of this Act, for authorizing renewal issues to redeem all or any of the said outstanding debentures or for paying the said sum of three hundred and fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents in the preamble to this Act mentioned, shall not require the assent of the electors of the said city before the final passing thereof; but by-laws other than those above specified, if requiring by the Municipal Act the assent of the electors, shall be duly submitted for the same under, and as required by such of the provisions of the said Municipal Act as relate to any such by-law.

Debentures to be valid notwithstanding

15. No irregularity in the form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the any irregulari- same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Debenture debt limited 16. The amount of the general debenture debt of the said City of Toronto is hereby limited to the sum of six millions of dollars, being the amount authorized by this Act, and there shall be no increase thereof until the total amount of assessable or ratable property of the said city, as the same shall appear by the assessment rolls in any year when finally revised and confirmed, exceeds the sum of fifty millions of dollars, and thereafter the increase of the general city debenture debt, shall be limited to eight per centum of such excess of ratable or assessable property over the said sum of fifty millions as shown by such assessment rolls as aforesaid, but there shall be no increase of such debenture debt beyond said sum of six millions of dollars, unless the by-law relating thereto or creating the same shall first be duly submitted to the electors for their assent under and subject to the same provisions in that behalf as are specially mentioned in section fifteen.

Date of pay ment of debentures.

17. Any debentures hereafter issued by the said Corporation of the City of Toronto, under the provisions of the last preceding section or under any other statutory authority, whether for general city purposes or for school purposes may, notwithstanding anything in "The Municipal Act," or the Public Schools Act contained, be issued and made payable at any time within forty years from the day of the date of the respective issues thereof.

ORDNANCE LANDS.

Corporation empowered to sell certain

18. The Corporation of the City of Toronto shall have the same power to sell the lands comprised in and granted to them by letters patent, under the great seal of the late Province of Canada, bearing date the twenty-first day of October, one thousand eight hundred and fifty eight, and being all and singular that certain parcel or tract of land situate, lying and being within the liberties of the City of Toronto aforesaid, being composed of part of the military reserve, within the said liberties, and which may be otherwise known as follows: that is to say, commencing at the south-east angle of the grounds granted to the Provincial Lunatic Asylum; thence southerly in continuation of the eastern boundary of the said lunatic asylum grounds, three hundred and seventy-one feet, more or less, to the north side of King Street; thence westerly along the north side of King Street to a point four hundred feet east of a line drawn at right angles to King Street and through the centre of the asylum buildings; thence southerly at right angles to King Street, four hundred and eighty-four feet, more or less, to the north side of Wellington Street; thence westerly along the north side of Wellington Street, eight hundred feet; thence northerly on a line at right angles to King Street, four hundred and eighty-four feet, more or less, to the north side of King Street; thence westerly along the north side of King Street to the line of the westerly boundary of the asylum grounds produced; thence northerly along the said produced line, three hundred and seventy-one feet, more or less, to the south-west angle of the asylum grounds; thence easterly along the southern limit of the said asylum grounds, two thousand nine hundred and eighty feet, more or less, to the place of beginning, containing about thirty-three and a half acres, or of any part or parcel thereof, as any person has with regard to the lands of which he is seized in fee simple absolute: and all sales, leases, exchanges or other dispositions thereof, or of any part thereof heretofore made by the said corporation shall be and be deemed to have been valid notwithstanding any thing in the said patent contained: Provided that the proceeds of Proviso. any such sale, lease, or other disposition or of any lands taken in exchange as aforesaid, shall form part of the Walks and Gardens Fund of the said Corporation and shall be used and applied only in the acquisition and maintenance of public parks, squares and gardens for the use of the citizens of the said City of Toronto, save and except as to the twenty acres parcel thereof in said letters patent reserved for exhibition grounds, the proceeds of which shall be applied in aid of the exhibition fund pursuant to the by-laws of the said corporation in that behalf.

19. This Act may be known and cited as "The City of Toronto Consolidation Debenture Act, 1879."

SCHEDULE.

FORM A.

(See sec. 4)

TORONTO GENERAL CONSOLIDATED DEBENTURE.

(Issued under "The City of Toronto Consolidation Debenture Act, 1879.")

Province of Ontario, No. sterling City of Toronto.

Under and by virtue of "The City of Toronto Consolidation Debenture Act, 1879," being an Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the Corporation of the City of Toronto, passed under the powers contained in the said Act;

[L.S.]

A. B. Mayor, C. D. City Treasurer.

79

(Reprinted as Amended.)

1st Reading, 29th January, 1879.

4th March, 1879.

An Act respecting the re-consolidation and future limitation of the general debenture debt of the City of Toronto, and

for other purposes.

MR. MORRIS.

th Session, 3rd Parliament, 42 Vic., 1879

No. 79.

PRINTED BY HUNTER, ROSE & Co.

TORONTO:

An Act relating to the Trial of Civil Causes.

WHEREAS, for the convenience of jurors attending courts Preamble. of Nisi Prius, and for the purpose of lessening the expenses attendant on the sittings of such courts it is expedient that defended issues and inquiries or assessment of damages to 5 be tried or made by juries, should be disposed of before defended issues and enquiries or assessment of damages, tried or made before the judge:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 10 as follows:—

1. Section two hundred and forty nine of the Revised R.S.O., c. 50, Statutes of Ontario, chaptered fifty, is hereby repealed, and s. 249, repealed and new secthe following section substituted in lieu thereof:—

249. The party entering any such record shall endorse there- Endorsements 15 on whether it is an assessment of damages, an undefended on records. issue or a defended issue, and whether the issue is to be tried before a judge or a jury; and the Clerk of Assize shall make two lists and enter each record in one of the said lists, in Clerk of Peace the order in which the records are received by him; and in the &c.

20 first list he shall enter all the assessments and undefended issues, and in the second list all defended issues, and shall note each case that requires the issues to be tried or damages assessed by a jury; and the judge at nisi prius may call on the causes with undefended issues at such time and times as he finds most Trial of cases.

25 convenient for disposing of the business, and he shall try and dispose of all causes with defended issues or assessments or inquiry of damages to be tried or made by a jury before causes having issues to be tried, or for assessment or inquiry of damages to be made or disposed of by the Judge.

BILL.

An Act relating to the Trial of Civil Causes.

First Reading, 31st January, 1879.

MR. MONK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Poultry Association of Ontario.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Any number of persons, not less than twenty-five, may Formation of 5 organize and form themselves into an Association, to be known Association as "The Poultry Association of Ontario," by signing a de-tion of memclaration in the form of Schedule A. to this Act annexed, and bers. paying each not less than one dollar to the funds of the Association for that year; and all persons thereafter paying each 10 the sum of one dollar (or such other sum, not being more than two dollars, as the Association may fix by by-law) annually to the funds of the Association, shall be members thereof.

2. Such declaration shall be in duplicate, and one part Declaration thereof shall be written and signed on the first page or pages and notice. 15 of a book, to be kept by the Association, for recording the minutes of its proceedings during the first year of its existence; and the other part thereof shall be written and signed on a sheet of paper or parchment, and shall forthwith be sent by post to the Commissioner of Agriculture, who shall, as soon as 20 may be after the receipt thereof, cause a notice of the formation of such Association to be inserted in the Ontario Gazette.

3. Upon the insertion in the Ontario Gazette of the notice Completion o of the formation of such Association, it shall become a corpora-incorporation. tion for the object and purpose of the encouragement of the 25 breeding of poultry in Ontario, and for the dissemination of information relating to the breeding, rearing, management, and improvement of poultry in Ontario; and for all purposes connected therewith or relating thereto; and the said Association may acquire and hold, lease, mortgage, and alienate property, 30 real and personal, but only for the purposes of such Association.

4. The first Board of Directors of the said Association shall Directors. consist of

who, as soon as practicable after the publication of the said notice in the Ontario Gazette, shall hold their first meeting, at such time and place as shall be appointed by the Commissioner of Agriculture; and at such meeting the said Directors shall elect from among themselves a President of the said Association, two Vice-Presidents, and two Auditors; and shall also elect, from among themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), who shall constitute the officers of the Association until their successors are elected at the first annual meeting of the Association, to be held at 10

between the first days of January and April, in the year of our Lord one thousand eight hundred and eighty.

By-laws.

5. The Association may make by-laws for the admission of members, and for its guidance and proper management, and for the promotion of the objects of the Association.

Annual exhibitions.

6. The Association shall hold an annual exhibition, open to the whole Province, between the first day of January and the first day of April in each year, at such time and place as the Association at its annual meeting shall appoint. The first 20 of such exhibitions shall be held at between the first days of January and April, in the year of our Lord one thousand eight hundred and eighty.

Annual meetings.

7. The Association shall hold an annual meeting in each and every year, at the same time and place as the annual 25 exhibition is held; and the retiring officers shall at such meeting present a full report of their proceedings, and of the proceedings of the Association, and a detailed statement of its receipts and expenditure for the previous year, duly audited by the Auditors; and the Association shall at such meeting 30 elect a President, two Vice-Presidents, and nine Directors; and the officers so elected shall elect, from among themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer); and the Association shall elect two Auditors; and the Association shall at each such meeting appoint the time 35 and place for holding the next annual exhibition and meeting.

Powers of officers.

8. The officers (a majority of whom shall form a quorum) shall have full power to act for and on behalf of the Association; and all grants of money and other funds of the Association shall be received and expended under their direction, 40 subject, nevertheless, to the by-laws and regulations of the Association.

Report to be sent to Commissioner of Agriculture. 9. A copy of the annual report of the proceedings of the Association, and a list of the officers elected, and also a report of such information as the Association may have been able to 45 obtain on the subject of poultry, and the breeding, rearing, management, and improvement thereof, and on all subjects connected therewith or relating thereto, whether in this Province or elsewhere, shall be sent by the Secretary of the Association to the Commissioner of Agriculture, within forty days 50 of the holding of such annual meeting.

10. Such Association, so long as the number of its BONA FIDE Aid to Assomembers is not less than fifty, and so long as it complies with ciation. the provisions of this Act, and of "The Agriculture and Arts Act," shall be entitled to receive from unappropriated 5 moneys in the hands of the Treasurer of the Province, a sum not exceeding six hundred dollars in any one year, provided that the Secretary of the Association shall, on or before the first day of September in each year, transmit to the Commissioner of Agriculture an affidavit, which may be sworn to 10 before any Justice of the Peace, stating the number of mem-bers who have paid their subscriptions for the current year and the total amount of such subscriptions.

11. The seventeenth and eighteenth sections of "The Agri-Secs. 17 and 18 culture and Arts Act" are hereby amended by inserting after of R. S. O. c. 35 amended. 15 the words "Ontario Society of Artists," in each of the said sections, the words "the Poultry Association of Ontario."

12. This Act shall be read as part of "The Agriculture and This Act to be Arts Act," and the said Association shall be deemed to be an read as part of Agri-Association coming under the said Act. culture and

SCHEDULE A.

(See section 1.)

We, whose names are subscribed hereto, agree to form ourselves into an Association under the provisions of the Act entitled "An Act to incorporate the Poultry Association of Ontario," to be called "The Poultry Association of Ontario;" and we hereby severally agree to pay to the Treasurer the sums opposite our respective names; and we further agree to conform to the By-laws and Rules of the said Association.

NAMES.	\$ cts.
-	

4th Session, 3rd Parliament, 42 Vic., 1879.

BLLL

An Act to incorporate the Poultry Association of Ontario.

First Reading, 6th February, 1879.

Mr. WOOD.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act Respecting the Andrew Mercer Ontario Reformatory for Females.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The word "County," wherever it occurs in this Act, Interpreta-5 shall include a Union of Counties for judicial purposes, the tion. District of Algoma, the territorial District of Muskoka, the temporary judicial District of Nipissing, and any other judicial or territorial Division or District which may be formed out of any portion of the unorganized territory in this Province. 10 (See R. S. O., c 217, s. 1.)
- 2. As soon as the Andrew Mercer Ontario Reformatory for Inspector to Females is constructed and completed, the Inspector of Prisons report compleand Public Charities shall report the same to the Lieutenant-tion of Reformatory. Governor, whereupon the Lieutenant-Governor may, by pro-15 clamation, declare the same to be open for the reception, confinement and employment, of such female offenders as are hereinafter mentioned.

8. The Lieutenant-Governor may from time to time appoint Appointment for the said Reformatory, a Female Superintendent, an Account- of certain 20 ant, a Surgeon, a School Mistress, and such other officers and officers. servants as may be necessary, to hold office respectively during pleasure. (See R. S. O., c. 217, s. 3.)

4. The Lieutenant-Governor may also appoint an officer Appointment 25 or officers, who shall be employed for the purpose of convey- of other ing prisoners from any gaol or other place in which they may officers. be in custody, to the said Reformatory, or from the said Reformatory to any other place to which they may be lawfully removed, and in the performance of such other duties as may be 30 assigned to such officer or officers by the Inspector of Prisons and Public Charities.

(See R. S. O., c. 217. s. 4.)

- 5. The Inspector of Prisons and Public Charities shall, by Inspector. virtue of his office, be the Inspector of the said Reformatory. 35 (See R. S. O., c. 217, s. 5.)
 - 6. The said Inspector shall have power, and it shall be his Inspector to duty, to make rules and regulations for the management, disci-makerules, &c. pline and police of the said Reformatory, and for fixing and prescribing the duties and conduct of the Superintendent and

every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment, and reward of persons confined therein, and to annul, alter, and amend the same from time to time: but no such rule or regulation shall have any 5 effect until and unless it is first approved of by the Lieutenant-Governor in Council. (See R. S. O., c. 217, s. 6.)

Encouragement of good behaviour. 7. In order to encourage good behaviour and industry, it shall be lawful for the Inspector to make rules so that a cor-10 rect record of the conduct of every inmate of such prison may be made, with a view to permit such offender to earn a remission of a portion of the term for which she is sentenced to be confined.

(Sec. R. S. O., c. 217, s. 7.)

(See R. S. O., c. 217, s. 7.)

8. The Inspector shall have power summarily to suspend

Powers of Inspector over of Inspector shall have power summarity to suspend any of the officers or servants of the said Reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the Inspector 20 may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the Reformatory; and it shall be the duty of the said Inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient, or 25

officers or servants whom he finds incapable, memcient, or negligent in the execution of his duty, or whose presence in the Reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. (See R. S. O., c. 217, s. 8.)

O 701 I

Power of Inspector to impose fines.

9. The Inspector may impose a fine, payable in money, upon any officer or servant of such Reformatory for any act of negligence, carelessness, or insubordination committed by such officer or servant, of reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit. (See R. S. O., c. 217, s. 9.)

Inspection of Reformatory by Inspector.

10. The Inspector shall have power at all times to enter into such Reformatory, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct 40 of any officer or servant employed in or about such Reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of such Reformatory, or any 45 matter affecting the interests of the institution; and may by the same or like order compel the production of books, papers, and writings before him; and any person who neglects or refuses to appear at the time and place specified in such order, having been duly served with a copy thereof, or refuses to give 50 evidence, or to produce the books, papers, or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector, in that behalf, and imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days. (See R. S. O., c. 217, s. 10.)

11. It shall also be the duty of the Inspector to audit the Audit by accounts of the Accountant of such Reformatory; to inquire Inspector, into all money transactions when requisite; to demand and obtain a statement of all cash transactions of such Prison 5 every month; and to administer to the Accountant an oath or affirmation to the effect following, viz:

"I Accountant Oath of of the Andrew Mercer Ontario Reformatory for Females, make Accountant. oath (or affirm) and say, that the foregoing statement of 10 revenue and expenditure of the said Reformatory for the month of 18, is true and correct." (See R. S. O., c. 217, s. 11.)

12. All females from time to time confined in any of the Transfer from common gaols of the Province, under sentence of imprisonment Gaol to Reformatory.

15 for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary, be transferred from such common gaols respectively to the said Reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which any such female was orizinally sentenced or committed to such common gaols respectively; and such females shall thereupon be imprisoned of the Reformatory aforesaid, for the residue of the said respective terms, and shall be subject to all the rules and regulations in the Reformatory.

25 (See R. S. O., c. 217, s. 12; 36 V., c. 69, s. 1. (Dom.)

13. Every Court before which any female is convicted of Convicts may an offence against any Act of the Legislature of this Province, be sentenced to punishable by imprisonment in the common gaol, may sentence such female to imprisonment in the said Reformatory.

30 instead of the common gaol of the county where the offence was committed or was tried; but this section shall not authorize the imposition of such sentence by any Justice of the Peace, or Police or Stipendiary Magistrate.

(See R. S. O., c. 217, s. 14; 36 V., c. 69, s. 1. (Dom.)

35 14. The Lieutenant-Governor may from time to time, by Transfer from warrant signed by the Provincial Secretary, or by such other Reformatory officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal from the said Reformatory back to the common gaol, of any person under 40 sentence of imprisonment for an offence against any Act of the Legislature of this Province.

(See R. S. O., c. 217, s. 15; 36 V., c. 69, s. 5. (Dom.)

15. The Superintendent of the said Reformatory, or the Superintenkeeper of any common gaol, having the custody of any offender to deliver up 45 ordered to be removed, shall, when required so to do, deliver prisoners. up to the constable or other officer or person who produces the said warrant, the said offender, together with a copy, attested by the said Superintendent or Gaoler, of the sentence and date of conviction of such offender, as given him on reception of the 50 offender into his custody.

(See R. S. O. c. 217, s. 16.)

16. Any officer appointed under the fourth section, or other Copy of senofficer or person by his direction, or by direction of the Court tence sufficient warrant.

or other lawful authority, may convey to the Reformatory any convict sentenced or liable to be imprisoned therein, and deliver her to the Superintendent or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and 5 certified by a Judge or the Clerk or acting Clerk of such Court.

prisoners.

17. The Superintendent shall receive into the Reformatory dent to receive every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations, and discipline thereof, until the time to which 10 she has been sentenced shall be completed, or until she is otherwise discharged in due course of law. (See R. S. O. c. 217, s. 18; 36 V. c. 69, s. 3 (Dom.)

Powers of officer in charge of prisoner.

18. The officer or other person employed by competent authority to convey any such offender to the Reformatory or back 15 to a common gaol, as by law provided, may secure and convey her through any County or District through which he may have to pass; and until such offender shall have been delivered to the Superintendent of such Reformatory, or the keeper of such common gaol, the said officer or other person, shall have 20 in every part of this Province through which it may be necessary to convey such offender, the same power and authority over and with regard to such offender, and to command the assistance of any person to prevent her escape, and in recapturing her in case of an escape, as the Sheriff of the County in 25 which she was convicted would himself have in conveying her from one part to another of that County. (See R. S. O. c. 217, s. 19.)

Officer to give and take receipt for pri-

19. The said officer or other person, shall give a receipt to the said Superintendent or Gaoler for the said offender, and 30 shall thereupon, with all convenient speed, convey and deliver up such offender with the said attested copy into the custody of the Superintendent of the Reformatory or Gaoler of the Gaol mentioned in the said warrant, who shall give a receipt in writing for every offender so received into his custody, to such 35 officer or other person, as his discharge; and the offender shall be kept in custody in the said Reformatory or Gaol to which she has been so removed, until the termination of her sentence, or until her pardon, or release, or discharge by law, unless she is in the meantime again removed under competent authority. (See R. S. O. c. 217, s. 20.)

Powers and duty of Super-shall reside within such prison, and shall be the chief executive intendent. 20. The Superintendent of the said Female Reformatory officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control, and management 45 of all its affairs, subject to the rules, regulations, and written instructions from time to time duly made by the Inspector, and approved by the Lieutenant-Governor in Council, and she shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. 50 (See R. S. O. c. 217, s. 21.)

Accountant to

21. The Accountant of said Reformatory shall execute to Her give security. Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of the office, according to law,

in the sum of four thousand dollars, with two sureties for two thousand dollars, each, which bond shall be filed in the office of the Provincial Secretary and Registrar. (See R. S. O. c. 217, s. 22.)

22. The Superintendent and every other officer or servant Superintendent employed permanently in the Reformatory, shall severally take dent and officers to take and subscribe, in a book to be kept for that purpose by the Acothol of allegiance. countant at his office, the oath of allegiance to Her Majesty, ance. and the following oath of office, viz:—

"I (A.B.), do promise and swear (or affirm) that I will faithfully, diligently, and justly serve and perform the office and in the Andrew Mercer Ontario Reformatory for Females to the best of my ability, and that I will carefully observe and carry out all the regulations of the

15 said prison, so help me God."

(See R. S. O. c. 217, s. 23.) Which oath may be administered by the Inspector, or in the case of any other of the said officers, by the Superintendent.

23. No Inspector, Superintendent, or other officer or servant Officers not to 20 employed in the said Reformatory, shall either in his own name, be interested in any conor in the name of, or in connection with any other person, pro-tract. vide, furnish, or supply any materials, goods, or provisions for the use of the said Reformatory; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any

- 25 contract relating thereto, under pain of forfeiting one thousand dollars, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province.
- 30 (See R. S. O. c. 217, s. 24.)

24. No superintendent, officer, or servant, except the surgeon, Officers not to shall be allowed to carry on any trade or calling of profit or engage in trade, etc., in emolument in such Reformatory; nor shall any such officer buy the Reforma from or sell to any convict in the said prison anything what-tory.

35 ever; or take or receive to his own use, or for the use of any other person, any fee, gratuity, or emolument from any prisoner or visitor, or any other person; or employ any convict in working for him.

(See R. S. O. c. 217, s. 25.)

25. Except under the rules of the institution, no spirituous Liquors, etc. or fermented liquors shall, on any pretence whatever, be brought not to be taken into into the Reformatory for the use of any officer or person in the Reformatory. institution, or for the use of any convict confined therein; and any person giving any spirituous or fermented liquors,

45 or tobacco, or snuff, or cigars, to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of forty dollars to the Superintendent, to be by her recovered for the use of the Reformatory, in any Court of competent jurisdiction.

50 (See R. S. O. c. 217, s. 27.)

26. The said Reformatory shall be furnished with all requi- Hard Labour site means for enforcing the performance of hard labour by the inmates thereof.

(See R. S. O. c. 217, s. 29.)

Reformatory what to include.

27. All the land enclosed and used in connection with the Reformatory building shall be held to be part of the said Andrew Mercer Ontario Reformatory for Females. (See R. S. O. c. 217, s. 36.)

Contracts, etc., how made.

28. All dealings and transactions on account of the said 5 Reformatory, and all contracts for goods, wares, or merchandize, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in such Reformatory, or for the hire, labour, or employment of any of the prisoners, shall be entered into and carried out in the cor-10 porate name of the said Inspector on behalf of Her Majesty. (See R. S. O. c. 217, s. 37.)

Prisoners not to be dischargon Sunday.

29. Whenever the time of the sentence of any prisoner committed to the said Reformatory, for an offence against any Act of the Legislature of Ontario, expires on a Sunday, she shall be 15 discharged on the previous Saturday, unless she desires to remain until the following Monday. (See R. S. O. c. 217, s. 33.)

Prisoners not to be discharged if labouring under certain diseases.

30. No prisoner shall be discharged from such Reformatory at the termination of her sentence, if then labouring under any 20 cutaneous or infectious disease, or under any acute or dangerous illness, but she shall be permitted to remain in such prison until she recovers from such disease or illness, and any convict or prisoner remaining from any such cause in the Reformatory, shall be under the same discipline and control 25 as if her sentence were still unexpired.

See R. S. O. c. 217, s. 34.)

Books of account to remain in Reformatory.

Official reports.

31. All books of account, and other books, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other papers and documents of every kind, relating to the affairs of the said 30 Reformatory, shall be considered the property of Her Majesty and shall remain in the Reformatory; and the Superintendent of such Reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling her to distribute 35 such official reports in exchange for like documents from other similar institutions abroad, she shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly.

See R. S. O. c. 217, s. 38.)



Fourth Session, Third Parliament, 42 Vic. 1879.

BILL,

An Act respecting the Andrew Mercer Ontario Reformatory for Females.

First Reading, 27th January, 1879.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. PLACE III ROBINSON.

An Act to extend the powers of Gas Companies.

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:--

1. All gas companies, whether incorporated by special Acts Powers of Gas 5 or under the provisions of chapter one hundred and fifty- Companies extended. seven of the Revised Statutes of Ontario, are hereby authorized to manufacture and supply gas for heating, cooking, and all other purposes for which gas is capable of being used, and to manufacture and supply electric, galvanic, 10 or any other artificial light, either in connection with gas or otherwise; and to acquire any patent or other rights for the manufacture or production of any artificial light; and to manufacture or buy, and also to sell or lease, all fittings, machines, apparatus, or other things required for the use of the said com-15 pany or its consumers.

- 2. For the purpose of exercising the said powers or any Power to use of them, the said companies may use their present works present works, so far as practicable, and may alter their existing works, or erect new works; and all powers which they now possess 20 may be exercised and enforced in respect to all works or apparatus which the said companies shall construct or use in the exercise of the powers by this Act created or any of them.
- 3. The powers of a municipal corporation for lighting the Powers hereby municipality, or for constructing gas works, whether by the granted, extended to Municipal Act, Revised Statutes of Ontario, chapter one hun-Municipal dred and seventy-four, or by any special Act, are hereby Corporations. extended so as to include the powers conferred on gas companies by this Act; and the said extended powers of Municipal Corporations shall be subject to the provisions of the 30 Municipal Act, or the special Act (if any), so far as the same may be applicable.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILLL

An Act to extend the powers of Gas Companies.

First Reading, 27th January, 1879.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to extend the powers of Gas Companies.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. All gas companies now existing or hereafter formed, and Powers of Gas 5 whether incorporated by special Acts or under any general Act companies are hereby authorized to manufacture and supply gas for heating, cooking, and all other purposes for which gas is capable of being used, and to manufacture and supply electric, galvanic, or any other artificial light, either in connection with gas or 10 otherwise; and to acquire any patent or other rights for the manufacture or production of any artificial light; and to manufacture or buy, and also to sell or lease, all fittings, machines, apparatus, or other things required for the use of the said company or its consumers.

2. For the purpose of exercising the said powers or any of Power to use them, the existing gas companies may use their present works present works, &c. so far as practicable, and may alter their existing works, or erect new works; and all powers which they now possess may be exercised and enforced in respect to all works or appa-20 ratus which the said companies shall construct or use in the exercise of the powers by this Act created or any of them.

3. The powers of a municipal corporation for lighting the Powers hereby municipality, or for constructing gas works, whether by the granted, Municipal Act, Revised Statutes of Ontario, chapter one hun-Municipal 25 dred and seventy-four, or by any special Act, are hereby Corporations. extended so as to include the powers conferred on gas companies by this Act; and the said extended powers of Municipal Corporations shall be subject to the provisions of the Municipal Act, or the special Act (if any), so far as the same 30 may be applicable.

4. No company shall be entitled by virtue of this Act to Company not take possession or make use of private property, or to do any to take private property till work thereon, under the compulsory powers of the company in compensation that behalf, until the amount to be paid for or in respect of made. 35 such property is ascertained by arbitration or otherwise, as the ease may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit.

5. No company shall be entitled to the benefit of this Act Consent of until it has obtained the consent of the municipal corporation municipality required. 40 of the city or local municipality within which the powers hereby given are to be exercised by such company; such consent to be by by-law, and to be on such terms and conditions as the by-law may provide.

Fourth Session, Third Parliament, 42 Vic., 1879

TITITA

An Act to extend the powers of Gas Companies.

First Reading, 27th January, 1879. Second " 24th February, 1879.

(Reprinted as Amended.)

The Attorney-General.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Building Societies Act. Revised Statutes, Chapter One Hundred and Sixtyfour.

WHEREAS by the Revised Statutes of Ontario, Chapter Preumble. One Hundred and Sixty-four, Section Fifty-two, it is

enacted as follows:

"The Board of Directors of any such Society having a paid "up capital of not less than two hundred thousand dollars in "fixed and permanent stock not liable to be withdrawn there-"from may issue debentures of such society to such an amount "as with all the other liabilities of such society will be equal "to double the amount of the capitalized fixed and permanent 10 "stock not liable to be withdrawn therefrom and the reserve "fund of such Society;"

And by Sub-section two of said Section fifty-two it is also

enacted that

"The total liabilities of such Society shall not at any time 15 "exceed the amount of principal remaining unpaid on the "mortgages at such time held by such Society and in estimat-"ing the liabilities of such Society the amount of cash actually "in the hands of such Society or deposited in any Chartered "Bank shall be deducted therefrom,"

And whereas doubts may arise as to the meaning of the words "liabilities of such Society" where the same occur in the

said Section fifty-two:

Therefore Her Majesty by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as 25 follows:

1. In the said Section fifty-two of Chapter one hundred and Declaration as sixty-four of the Revised Statutes of Ontario the words "lia-to meaning of bilities of such Society, or total liabilities of such Society" "Liabilities." shall be taken to mean and are hereby declared to mean only 30 the liabilities of any such Society as is within said Act to the public and shall not be taken to include, and it is hereby declared that the same do not include the Capital Stock of any such Society or any other property of the Shareholders.

2. Any Society or Company incorporated under said Chap-Society 35 ter one hundred and sixty-four of the Revised Statutes of On- authorized to tario or any Act incorporated with said Chapter one hundred to transact and sixty-four may pass a By-law authorizing the Directors of business such Society or Company to extend the business of said Society Ontario. or Company beyond the limits of the Province of Ontario to 40 any Province of the Dominion.

Society authorized to hold real estate to the annual value of \$10,000.

3. Section forty-eight of said Chapter one hundred and sixty-four is hereby repealed and the following substituted therefor. Any Society may hold absolutely real estate for the purposes of or in connection with its place or places of business not exceeding the annual value of ten thousand dollars.

to amend the Building Societies Revised Statutes Chapter 164.

First Reading, 28th January, 1879.

An

MR. BETHUNE.

ONTO:

An Act to amend the Building Societies Act.

THEREAS by the Revised Statutes of Ontario, Chapter One Hundred and Sixty-four, Section Fifty-two, it is enacted as follows:

"The Board of Directors of any such Society having a paid "up capital of not less than two hundred thousand dollars in "fixed and permanent stock not liable to be withdrawn there-"from may issue debentures of such society to such an amount "as with all the other liabilities of such society will be equal "to double the amount of the capitalized fixed and permanent 10 "stock not liable to be withdrawn therefrom and the reserve "fund of such Society;"

And by Sub-section two of said Section fifty-two it is also

enacted that

"The total liabilities of such Society shall not at any time 15 "exceed the amount of principal remaining unpaid on the "mortgages at such time held by such Society and in estimat-"ing the liabilities of such Society the amount of cash actually "in the hands of such Society or deposited in any Chartered "Bank shall be deducted therefrom,"

And whereas doubts may arise as to the meaning of the words "liabilities of such Society" where the same occur in the

said Section fifty-two:-

And whereas it is expedient to remove such doubts and to

amend the said Act:

- Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
- 1. The first Sub-section of Section fifty-two of chapter R. S., O., c. one hundred and sixty-four of the Revised Statutes of On- 164, s. 52, sub-s. 1 amended. 30 tario, is hereby amended by striking out the word "two," and inserting the word "one" in lieu thereof.

2. In the said Section fifty-two the words "liabilities of Meaning of Liabilities of Meaning of Meaning of Liabilities of Meaning of such Society, or total liabilities of such Society" shall be "Liabilities of such Society." taken to mean and are hereby declared to mean only the liabilities of any such Society to the public and shall not

- be taken to include, and it is hereby declared that the same do not include the liability of any such Society to its Shareholders in respect of its Capital Stock, or otherwise to its Shareholders as such.
- 40 3. The Directors of any Society or Company incorpora- Business may ted under the said Chapter one hundred and sixty-four, which be extended shall, under the authority of the Parliament of Canada, and Provinces of of the Legislature of the Province in which it is proposed that the Dominion. the business of the Society or Company is to be carried on,

45 pass a By-law authorizing its Directors to extend the business of such Society or Company into any of the Provinces of the

Dominion, may give effect to such By-law without being liable or responsible as for any breach of trust in so doing.

R. S., O., c. 164, s. 48 repealed, and new section substituted.

PRINTED BY C. PLACKETT ROBINSON. TORONTO: 4. Section forty-eight of said Chapter one hundred and sixty-

four is hereby repealed and the following substituted therefor.

"Any Society may hold absolutely real estate for the purposes 5

ceeding t	he annual v	alue of ten the	places of business nousand dollars;" but it or suit now pend	t $this$
Mr. Bethun	(Reprinted as amended.)	First Reading, 28th January, 1879. Second Reading, 10th February, 1879	BILL. An Act to amend the Building Socie Act.	Fourth Session, Third Parliament, 42 Vic. 1

No. 85.]

BILL.

[1879.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section four hundred and forty-two of Chapter one hun-R.S.O. cap. 5 dred and seventy-four of the Revised Statutes of Ontario, is 174, s. 442 hereby amended by adding to the said Section the words "other than Official Assignees."
- 2 Section four hundred and forty-five of the said Act is s.445 amended, amended by adding next after the word "Courts" in the tenth 10 line thereof, the words "and all other charges relating to Criminal Justice, payable by the County in the first instance."

BILL,

An Act to amend the Municipal Act.

First Reading, 28th January, 1879.

MR. SEXTON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 86.]

BILL.

[1879.]

An Act to amend the "Juror's Act."

HER MAJESTY, by and with the advice and consent of Preamble. the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section one hundred and fifty-one of Chapter forty-eight R. S. O.c. 48, 5 of the Revised Statutes of Ontario, is hereby amended by adding s.151 amended. next after the word "the" in the last line, the words "drafting, recording, and summonsing and."

Fourth Session, Third Parliament, 42 Vic. 1879.

BILL,

An Act to amend the Jurors' Act.

First Reading, 28th January, 1879.

MR. SEXTON.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 87.]

BILL.

[1879.

An Act to amend the General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section one hundred and fifty-two, of chapter one hun-R. S., O., of 5 dred and fifty-two of the Revised Statutes of Ontario, is here- cap. 152, s. 152 amended by adding next after the word "purchased" in the tenth line thereof, the words "or leased," and also by adding next after the word "Canada" in the eleventh line of the said section, the words or "Dominion of Canada."

Fourth Session, Third Parliament, 42 Vic. 1879.

DILL

An Act to amend the General Road Companies' Act.

First Reading, 28th January, 1879.

MR. SEXTON.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 88.]

BILL.

[1879.

An Act to amend Chapter eight-four of the Revised Statutes of Ontario, intituled "An Act respecting the Fees of Counsel and other Officers in the Administration of Justice."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The following Section be added to the said Act:

R. S., O., cap.

Scc. 9.—" It shall be lawful for the County Council to pay to standard."

"the Clerk of the Peace a gross sum, in lieu of all fees, charge—
"able by him to the County."

Fourth Session, Third Parliament, 42 Vie. 1879.

RILL

An Act to amend Chapter Eighty-four, of the Revised Statutes of Ontario, intituled "An Act respecting the Fees of Counsel and other Officers in the Administration of Justice."

First Reading, 28th January, 1879.

MR. SEXTON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON,

BILL. No. 88.]

[1879.

An Act to amend "An Act respecting the Fees of Counsel and other Officers in the Administration of Justice."

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Chapter eighty-four of the Revised Statutes is amended R.S., O., cap. 84 amended.

by adding thereto the following section:

Scc. 1.—" It shall be lawful for the County Council to agree from time to time with the Clerk of the Peace, for the payment to him of a gross annual sum, in lieu of all fees, chargeable by him to the County, and which are not repayable 10 to the County by the Province: Provided always that either of the parties to any such agreement may determine the same on the thirty-first day of December, in any year, by giving to the other one month's notice in writing, of his or their intention so to do.

Fourth Session, Third Parliament, 42 Vic. 1879.

BILL.

An Act to amend "An Act respecting the Fees of Counsel and other Officers in the Administration of Justice.

(Reprinted as Amended.

First Reading, 28th January, 1879.
Second " 24th February, 1879.

MR. SEXTON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend Chapter one hundred and seventyfour of the Revised Statutes of Ontario, respecting Municipal Institutions.

THEREAS it is expedient to provide that in by-laws for Preamble. the creation of debts and the issue of debentures therefor, it shall be sufficient to specify the annual sum that will be required to be raised for the payment of the principal 5 and interest of the debt:-

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, en-

acts as follows:

1. Sub-sections three, four and five, of section three hundred Sub-sections 3, 10 and thirty of the said Act, are hereby repealed, and the follow- \(\frac{4 \text{ and 5 of s.}}{330 \text{ of c. 174 of R. S. O. re-} \)

3. The by-law shall settle a certain specific sum to be raised substituted. annually during the currency of the debentures.

4. Such annual sum shall be sufficient to discharge the debt

15 and interest when respectively payable.

- 5. The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the valuable property in the Municipality; or, if the by-law is for a work payable by local assessment, on all. 20 the property ratable under the by-law, or per foot frontage, as the case may be.
 - 2. Section (e) of sub-section six of the said section three S (e) of subsec 6 of s. 330 hundred and thirty, is hereby repealed. repealed.

3. Sub-section (d) of section three hundred and thirty-one, Sub-section (d) of s. 331 repealed. 25 is hereby repealed.

4. Sub-section two of section three hundred and thirty-two Sub-section 2 of the said Act is hereby repealed, and the following substituted of s. 332 repealed and new therefor:

substituted.

2. Such by-law shall set forth a certain specific sum, to be 30 raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debts, as the said instalments and interest become, respectively, payable according to the terms of the by-law; and in cases within this 35 section it shall not be necessary that any provision be made for a sinking fund.

Fourth Session, Third Parliament, 42 Vic. 1 9

BILL.

An Act to amend Chapter 174 of the Revised Statutes of Ontario respecting Municipal Institutions.

First Reading, 28th January, 1879.

MR. SCOTT.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act Respecting Public, Separate and High Schools.

1. The municipal council of any city may establish a Model Council of School for the training of teachers in such city, subject to the tablish Model Regulations of the Education Department.

Schools.

2. The right of any person to vote in any municipality, at any Whomay vote b election of Public School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question, at election of School Trustees or upon any school question of School Trustees or upon any school Trustees or upon any school question of School Trustees or upon any school Trustees or upon any school question of School Trustee is extended so as to comprise in addition to the persons now tees. entitled by law, every person named upon "The Voters' List" of such municipality, and whether entitled to vote at municipal elections or elections to the Legislative Assembly, when such 10 person has been assessed for, and has paid a rate imposed upon him for Public School purposes within the last twelve months in the ward, town, village or school section in which he is proposing to vote at such election or meeting.

3. In case an objection is made to the right of any person Voter to 15 to vote at any such election in any municipality or upon any make declaraother subject connected with Public School purposes therein, quired. the returning officer, chairman or other officer presiding at the election or meeting shall require the person whose right of voting is objected to, to make the following declaration or affir-20 mation :-

"I. A. B. do declare and affirm that I am the person named in the certi-"fied copy of the Voters' List now shown to me [or have been rated on "the last revised assessment roll of this municipality as a freeholder (or "householder or tenant as the case may be),] and that I have paid a public 25 "school tax in this ward (or town, village or section as the case may be), "within the last twelve months, and that I am of the full age of twenty-"one years, and that I have the right by law to vote at this election (or "meeting as the case may be)."

Whereupon the perosn making such declaration shall be per-30 mitted to vote.

4. In cities and towns divided into wards, and in townships Incities and where Public School Boards exist, the clerk of the municipality towns divided shall furnish to the Public School Board within three days after clerk of murequest in writing "The Voters' List" for each ward of such nicipality to furnish voters' so municipality, omitting therefrom the names of persons being list to Public supporters of Separate Schools, and adding thereto the names School Boards. alphabetically arranged of all freeholders, householders or tenants, rated upon the then last revised Assessment Roll, and not being already upon "The Voters' List."

5. In towns not divided into wards and villages, and in In towns not townships with Public School sections, the clerk of the muni-divided into wards, clerk to list to Public School Trus tees.

furnish voters' cipality shall furnish to the Public School Trustees within three days after request in writing, "The Voters' List" for each polling sub-division in the case of such town or village, or for each section in the case of a township having regard to the omissions and additions to such Voters' List as provided by the last preceding section.

Certified copy of list and a poll-book to be provided for each polling

6. The Public School Trustees shall by their secretary provide for each polling place or meeting, a certified copy of the said list and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his 10 place. Entries in poll sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for 16 by a voter, set the figure "1" opposite the voter's name, with the residence of the voter, and in case of a poll demanded upon any Public School question, the name of each voter shall be similarly placed in separate columns, marked "for" or "against."

Provisions for elections of Corporations. Nomination.

7. The annual and other elections of the trustees of all 20 Public School Corporations, shall be conducted under and sub-

Public School ject to the following provisions :-

1. A meeting of the electors for the nomination of candidates for the office of Public School Trustee and also in Rural School sections for other prescribed purposes, shall take place at noon 25 on the first Wednesday in the month of January annually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School Trustees, and in municipalities divided into wards, in each ward thereof;

Returning officer.

2. The Public School Trustees shall by resolution name the 30 returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the Secretary of the Public School Trustees shall give at least six days' notice of such meeting;

Proceedings at nomination.

3. If at the said meeting, only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding shall, after the lapse of one hour, declare such candidates duly elected; but if two or more candidates are proposed for one office and a poll is demanded 40 by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the second Wednesday of the same month of January, when a poll or polls shall be opened at such place or places, and in each ward, where such exist as shall be determined by resolu- 45 tion of the said trustees;

Hours of poll-

4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has 50

elapsed without any vote having been polled;

Trustees to fix place for no-mination and election, and name returning officer.

5. The Trustees shall before the third Wednesday in Decembe rin each year, by resolution fix the place or places for the nomination meeting on the first Wednesday of January then next, and also for holding the election in case of a poll, and also name 55 the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof;

6. The returning officer or person presiding shall, on the day Duty of reafter the close of the election, return the poll book to the Secreturning officer tary of the Public School Trustees, with his solemn declaration election. thereto annexed, that the poll book has been correctly kept, and contains a true record of the votes given at the polling place

for which he was returning officer;

7. The Secretary of the Trustees shall add up the number of Duty of Secvotes for each candidate for any office, as appears from the poll retary of Prusbook so returned, and shall declare elected the candidate or tees.

10 candidates having the highest number of votes, and shall at noon, on the day following the return of the poll books, put up in some conspicuous place in the Municipality or School section, and at one or more of the school houses therein, a statement under his hand, shewing the number of votes for each 15 candidate;

8. In case two or more candidates have an equal number of Casting vote. votes, the Secretary of the Trustees, at the time he declares the result of the poll, shall give a vote for one or more of such candidates, so as to decide the election;

9. The Judge of the County Court shall, within twenty days Judge of after the election of any trustee of a Public School Corporation County Court to receive and investigate to receive and in any municipality within his county, receive and investigate investigate any complaint respecting the validity or mode of conduct-complaints. ing the election, and in a summary manner shall hear and deter-

25 mine the same; and may by order cause the assessment rolls, collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him, as he may deem expe-

30 dient, and may confirm the said election, or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed, and, in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted;

35 and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall appoint the time and place of holding such election;

10. In case of any vacancy in the office of Public School Vacancy in 40 Trustee arising from any cause, the remaining trustees shall office of Trusforthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled;

11. The new election shall be conducted in the same manner Proceedings at and be subject to the same provisions as an annual election, new election. and the Secretary of the Trustees shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of

50 said nomination.

8. The special provisions relating to the City of Toronto, Inconsistent and all other provisions inconsistent with the foregoing, con-pealed. tained in the Public Schools Act, are hereby repealed.

9. The thirty-third section of the Public Schools Act is Sec. 33 of R. S. 55 hereby amended so as to read as follows: "In municipalities o. c. 204 amended. composed of more than one township, but without county organization, there shall be a Board of Public School Trustees,

two members being elected for each ward, and if not divided into wards, two for each township thereof, and such Board shall possess all the powers and duties of Township Boards, and shall also upon the petition of at least five heads of families, provide school accommodation and a teacher for their children 5 and others,

Teachers inelbers of County aminers.

10. Teachers while engaged as masters in High Schools, or igible as mem (founty Model Schools, shall be ineligible as members of Boards of Ex. County Boards of Examiners, and any such appointment shall be void and of none effect.

Sec. 110 of R. S. O. c. 204 amended.

11. The one hundred and tenth section of the Public Schools Act is hereby amended by substituting for sub-section one, the following: "To pay out of the school assessment of the county the amount of the Inspector's lawful order on behalf of a Public School teacher, assistant teacher or monitor.

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Additional red upon arbitrators appointed under R. S. O. c. 204.

12. In addition to the powers conferred upon arbitrators under powers confer- the Public Schools Act in reference to the compulsory taking of land for school sites, they shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner in respect of the land re- 20 quired for the purpose of the school site upon notice in writing to every such claimant and after hearing and determining his claims or rights.

Municipality in which union section to be consider-

13. In the case of a union school section composed of parts of two or more municipalities the union school section shall be 25 held for the purposes of inspection, taxation, the borrowing of ed as situated. moneys, and for all school purposes as within the township, town, or village in which the school-house of the union is

Alteration of

14. A union school section may be altered so that a part of 30 union sections. the same may be withdrawn by the council of the municipality in its discretion in which such part is situate without withdrawing the whole portion of such municipality forming the union in case such alteration is petitioned for by a majority of the assessed freeholders and householders of such part: and 35 the one hundredth and fortieth section of the Public Schools Act shall be construed to apply also to the case of an alteration of the boundaries of a union school section where a part only of the portion in either municipality is withdrawn by the council thereof. 40

Public School Boards of Townships.

15. The Public School Board of any township may exercise and enjoy all the rights and powers of Trustees of Rural School Sections, under the provisions of the Public Schools Act, as well as those of Public Schools in cities and towns, and in cases where the Public School Board was established before the 45 second day of March, one thousand eight hundred and seventyseven, the period of five years after which a by-law for the repeal thereof may be submitted shall be taken to begin from the time when the Public School Board was originally established. 50

Section 5 of R.

16. Section five of chapter two hundred and three of the Revised Statutes respecting the Education Department is here-

by amended, by substituting for sub-section six the following "It shall be the duty of the Minister to apportion annually on or before the first day of May all sums granted or provided by the Legislature for the support of Public and Separate Schools (and not otherwise appropriated by law in the several counties, townships, cities, towns, and incorporated villages, according to the ratio of population in each as compared with the whole population of Ontario, as shown by the last annual returns received from the clerks of the respective counties, 10 cities and towns, separated from a county "—and by adding as sub-section nineteena, the following:—amongst other duties of the Minister of Education.

"19a. To authorize the delivery from the Depository of any prize or library book or maps or apparatus in payment of one half the cost according to authorized catalogue prices of any prize or library books, or maps or apparatus purchased by any School Corporation from any publisher or person, in lieu of payment out of moneys to be appropriated by the Legislature for that purpose, and also to authorize the delivery from the De-20 pository at cost price to Normal School students, stationery and text books, maps, apparatus and library books, and to teachers libraries, works on Education for their use, also library, prize and text books, maps and apparatus to Provincial Institutions, under the control of the Lieutenant-Governor in 25 Council and maintained from the Consolidated Revenue."

17. The following subsection is hereby added to section one Sub-sec. adhundred and twelve of The Public Schools Act: "5. It shall ded to sec. 112 also be the duty of every County Clerk to furnish the Minis- of R. S. O., ter before the first day of April in each year with a state-30 ment showing the population of each minor municipality within the county, according to the returns upon the Assessment Rolls for the previous year, of each such minor municipality."

18. The clerk of every city and town separated from a Clerks to county shall, before the first day of April in each year, make make returns 35 a return to the Minister of Education shewing the population. of such city or town, as shown by the Assessment Rolls for the previous year of such city or town.

19. The provisions contained in the fourth, fifth, sixth Sections 4, 5, and seventh sections of this Act shall also apply to Separate 6 and 7 of this 40 School Corporations and the Trustees thereof; Separate School Act to apply to Separate Corporation or Trustee being substituted for Public Schools. Corporation or Trustee, Separate School supporter instead of person rated in respect of Public Schools and Public School supporter for Separate School supporter where these expres-45 sions respectively occur in such provisions, and the clerk of the municipality shall, upon request, furnish to the Separate School Trustees, a list of persons being supporters of Separate Schools in each ward, or school district or section, as shown by the last revised Assessment Roll, or the notices or lists of Sep-50 arate School supporters filed in his office.

20. The Trustees of any Separate School shall have full Borrowing power as a body corporate to borrow money for school purposes, powers of Trustees of and to make valid mortgages and other instruments for the S security and payment of such borrowed money, or of any Schools. 55 monies payable or to be paid for school sites, school buildings,

or additions thereto, or the repairs thereof, upon the schoolhouse property and premises, or upon the separate school rates.

Non-residents rate School.

21. Any person, who, if resident in the Municipality would may require school tax to be entitled to be a supporter of any separate school in such be appropriat- Municipality, in giving notice under section three of the Ased to a Sepa-sessment Act, that he is the owner of land in such municipate School. pality, may also require that such land be assessed for separate school purposes in such Municipality, if a separate school exists therein, and the assessor shall thereupon place this in 10 the prescribed column for separate school rates, and such land shall be so assessed accordingly.

Certain pro-Separate Schools.

22. The provisions of subsections sixteen of (a) (b) (c) and visions of sec. (d) of section one hundred and two of the Public Schools Act, 102 of R. S. O. shall also apply to Separate Schools and the rights conferred 15 thereby shall be possessed and exercised by the Trustees there-of in respect of Separate Schools and Separate School rates, but this shall not be held to affect other rights of Separate School Trustees in that behalf.

Trustees of Separate Schools may appoint a member of

23. The Trustees of Separate Schools in any Village, Town or $_{20}$ City being the County Town of the County may appoint a competent person, to be approved of by the Education Department, to be a member of the County Board of Examiners of County Board such County, with power to revoke any such appointment and such person shall be invested with the like powers 25 and duties as the other members of said Board appointed under the Public School Act.

Sec. 30 of. Separate Schools Act Amended.

24. The thirtieth section of the Separate Schools Act is amended by inserting after the word "teacher" in the fourth line thereof the words "either in the Province of Ontario, or 30 Quebec."

Municipal Council may refuse to raise purchase of

25. In any case where a High School Board or Public School Corporation may, by law, require the Municipal Council to raise or borrow a sum of money for the purchase of school site, or the erection or purchase of any school-house or 35 school site, &c. addition thereto, or other school accommodation, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the council for considering any by-law in that 40 behalf.

must submit rate to electors.

2. In the case of Rural School Sections, the Trustees Trustees in Rural Sections shall not borrow or levy or collect any rate for any sum of money for the purposes in the last preceeding section mentioned, unless the proposal for the same has been first submitted to and 45 approved of by the duly qualified school electors of the section.

Debentures.

3. Any Debenture for any loan of money for School purposes may be for such term of years not exceeding twenty as the Municipal Council may think fit.

Board of Examiners for admission to High Schools.

26. In Cities and Towns the Inspector of Public Schools, 50 and the head master of the High School or Collegiate Institute shall together constitute the Board of Examiners for the ad-

mission of pupils to the High School or Collegiate Institute, and the expenses of the examination shall nerearch to by the High School Boards, and sub. sections twenty-two and Sub-secs. 22, twenty-three of section one hundred and four of the Public 23 of 5. 104 of R. S. O., c. 204 repealed. 5 Schools Act, are hereby repealed.

27. The thirtieth section of the High Schools Act is here-Sec. 30 of R. S. O., c. 205 amended so as to read as follows:—

S. O., c. 205 amended. by amended so as to read as follows:-

"30. In the case of a High School in a town not withdrawn "from the County, or in an incorporated Village or Township, 10 "an amount equal to the amount paid by the Government shall "be paid by the Municipal Council of the County in which " such High School or Collegiate Institute is situated, upon the "application of the High School Board; and such other sums "as may be required for the maintenance of the said High 15 "School to the amount at least of the grant received from the "Legislative appropriation, and also for school accommodation, "shall be raised by the Council of the Municipality in which "the High School is situate, upon the application of the High "School Board; and in cases where two or more Municipalities, 20 " or portions thereof, within the County, have heretofore been "formed into and continue to constitute one High School Dis-"trict, or in cases where two or more such minor Municipali-"ties, or portions thereof within the same County, hereafter "agree to form and constitute themselves into a High School 25 "District, then such other sums as may be required for the "maintenance of the said High School to the amount at "least of the grant from the Legislative appropriation and "also for school accommodation of the said High School, "shall be provided by such High School District upon 30 "the application of the High School Board, and such sums "shall be raised in the manner provided in the next following section of this Act, but nothing in this section shall be con-"strued to affect any existing suit, or to prevent the County "Council from discontinuing any High School District hereto-35 "fore formed by it, and any by-law of the Council of a minor "Municipality for uniting any portion of it to another Muni-"cipality within the same County for High School purposes "shall be deemed the agreement of such portion, and shall be "passed by such council if petitioned for by two-thirds in

40 "number of all the tax payers of such portion; 37 V. c. 27,

"s. 45; 40 V. c. 16, s. 18 (6)."

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act respecting Public, Separate and High Schools.

1st Reading, 28th January, 1879.

Hon. Mr. CROOKS.

TORONTO:

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No. 90.]

BILL.

[1879.

An Act Respecting Public, Separate and High Schools.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

- 1. The Public School Board of any city may constitute New Section 5 one or more of the Public Schools of such City to be a Model annexed.
 School for the preliminary training of Public School Teachers therein, subject to the Regulations of the Education Department.
- 2. The right of any person to vote in any municipality, at Who may vote 10 any election of Public School Trustees or upon any school ques- at election of School Trustion, is extended so as to comprise in addition to the persons toes. now entitled by law, every person named upon "The Voters' List" of such municipality, and whether entitled to vote at municipal elections or elections to the Legislative Assembly, 15 when such person has been assessed for, and has paid a rate imposed upon him for Public School purposes within the last twelve months in the ward, town, village or school section in which he is proposing to vote at such election or meeting.

3. In case an objection is made to the right of any person Voter to make 20 to vote at any such election in any municipality or upon any declaration if required. other subject connected with Public School purposes therein, the returning officer, chairman or other officer presiding at the election or meeting shall require the person whose right of voting is objected to, to make the following declaration or affir-25 mation:

"I, A. B., do declare and affirm that I am the person named in the "certified copy of the Voters' List now shown to me [or have been rated "on the last revised assessment roll of this municipality as a freeholder (or "householder or tenant as the case may br),] and that I am of the full age "of twenty-one years, and that I have the right by law to vote at this 30 election (or meeting as the case may be)."

Whereupon the person making such declaration shall be per-

mitted to vote.

4. In cities and towns divided into wards, and in townships In cities and where Public School Boards exist, the clerk of the municipality towns divided into wards, 35 shall furnish to the Public School Board within three days clerk of spin after request in writing "The Voters' List" for each ward of cipality to furnish Voters' such municipality, annexing thereto a list of the names of per-List to Public sons being supporters of Separate Schools, and also a list of School Boards. the names alphabetically arranged of all freeholders, house-40 holders or tenants, rated upon the then last revised Assessment

Roll, and not being already upon "The Voters' List."

5. In towns not divided into wards and villages, the clerk divided into of the municipality shall furnish to the Fubility of the municipality shall furnish to the Fubility of the municipality shall furnish to the Fubility of the Market of State of Sta lage, as provided by the last preceding section.

Certified copy

6. The Public School Board shall provide each polling of list and a place with the list aforesaid and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter place. Entries in poll in such book inseparate columns the names of the candidates pro- 10 posed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name, with the residence of the voter, 15 and in case of a poll demanded upon any Public School question, the name of each voter shall be similarly placed in separate columns, marked "for" or "against."

Provisions for Trustees of Corporations.

7. The annual and other elections of the trustees of all Public School Corporations, except in rural School Sections 20 Public School shall be conducted under and subject to the following provi-

Nominations.

1. A meeting of the electors for the nomination of candidates for the office of Public School Trustee shall take place at noon on the last Wednesday in the month of December annu- 25 ally, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School Board, and in municipalities divided into wards, in each ward thereof, if the Board in its discretion thinks fit.

Returning Officer.

2. The Public School Board shall by resolution name the 30 returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the Public School Board shall give at least six days' notice such meeting;

Proceedings at nomination.

3. If at the said meeting, only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding shall, after the lapse of one hour, declare such candidates duly elected; but if two or more candidates are proposed for any one office and a poll in 40 respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist as 45 shall be determined by resolution of the said trustees;

Hours of Polling.

4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has 50 elapsed without any vote having been polled;

Trustees to fix place for nomination and election, and name returning officer.

5. The Public School Board shall before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer 55 who shall preside at the respective polling places, and forthwith give public notice thereof;

6. The returning officer or person presiding shall, on the day Duty of reafter the close of the election, return the poll book to the turning officer Public School Board, with his solemn declaration thereto an- election. nexed, that the poll book has been correctly kept, and con-5 tains a true record of the votes given at the polling place for

which he was returning officer;

7. The Public School Board shall add up the number of Duty of Secvotes for each candidate for any office, as appears from the retary of poll book so returned, and shall declare elected the candidate or Trustees.

10 candidates having the highest number of votes, and shall at noon, on the day following the return of the poll books, put up in some conspicuous place in the Municipality, and at one or more of the school-houses therein, a statement under his hand, shewing the number of votes for each candidate;

8. In case two or more candidates have an equal number of Casting vote. votes, the Member of the Board who is assessed highest as a ratepayer on the last revised assessment roll at the time of declaring the result of the poll, shall give a vote for one or more of such candidates, so as to decide the election;

9. The Judge of the County Court shall, within twenty days Judge of after the election of any trustee of a Public School Board in County Court any municipality within his county, receive and investigate to receive and investigate investigate any complaint respecting the vilidity or mode of conducting complaints. the election, and in a summary manner shall hear and determine

25 the same; and may by order cause the assessment rolls, collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him, as he may deem expe-

30 dient, and may confirm the said election, or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed, and, in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted;

35 and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall appoint the time and place

of holding such election;

10. In case of any vacancy in the office of Trustee of any Vacancy in 40 Public School Board arising from any cause, the remaining office of trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled;

11. The new election shall be conducted in the same manner Proceedings at and be subject to the same provisions as an annual election, new election. and the Public School Board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said 50 nomination.

8. The special provisions relating to the City of Toronto Inconsistent and all other provisions inconsistent with the feregoing, con-provisions repealed.

tained in the Public Schools Act, are hereby repealed.

"8a All the provisions of the Public School Act respect-55 ing the election of Trustees, and the annual meetings in Rural School sections, shall continue to apply to Rural School Corporations, except that the annual meeting and the nomination and election of Trustees thereat, shall be held on the last

Wednesday in the month of December in each year, or if a holiday on the day next following.

Sec. 33 of R. S., O., c. 204 amended.

- 9. The thirty-third section of the Public Schools Act is hereby amended so as to read as follows: "In municipalities composed of more than one township, but without county organization, there shall be a Board of Public School Trustees, two members being elected for each ward, and if not divided into wards, two for each township thereof, and such Board shall possess all the powers and duties of Township Boards, and shall also upon the petition of at least five heads of fami- 10 lies, provide school accommodation and a teacher for their children and others.
- 10. The powers of Trustees of Rural School sections in organized Townships, to levy or collect upon their own authority Public School rates, shall cease and be determined on the 15 passing of this Act, except in so far as any proceedings are now pending, which may be prosecuted until all rates thereunder are collected, and it shall henceforth be the duty of the Public School Trustees to obtain all moneys for Public School purposes, which may be levied by rate on taxable 20 property, by the means and under the provisions contained in the 78th and 79th sections of the Public Schools Act.

10a. The eightieth section of the Public Schools Act is hereby amended, by adding to sub-section the word "or according to the average attendance of pupils at each school 25

during the year then last past."

Sec. 110 of R. S., O., c. 204 amended.

11. The one hundred and tenth section of the Public Schools Act is hereby amended by adding to sub-section one, the following, or at his option: "To pay out of the school assessment of the county the amount of the Inspector's lawful order to any 30 Public School teacher, assistant teacher or monitor," and by adding thereto as sub-section six, the following:

"6. To furnish the Minister with such information as he may require respecting moneys raised or expended in the Municipality for Public or High School purposes." 35

Additional powers con-ferred upon arbitrators apappointed under R. S., O., c. 204.

12. In addition to the powers conferred upon arbitrators under the Public Schools Act in reference to the compulsory taking of land for school sites, they shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner in respect of the 40 land required for the purpose of the school site upon notice in writing to every such claimant and after hearing and determining his claims or rights.

Municipality in which union section

13. In the case of a union school section composed of parts of two or more municipalities the union school section shall be 45 to be consider- held for the purposes of inspection, taxation, the borrowing of ed as situated moneys, and for all school purposes as within the township, town, or village in which the school-house of the union is situate.

Alteration of union section.

14. A union school section may be altered so that a part of 50 the same may be withdrawn by the council of the municipality in its discretion in which such part is situate without withdrawing the whole portion of such municipality forming

the union in case such alteration is petitioned for by a majority of the assessed freeholders and householders of such part: and the one hundredth and fortieth section of the Public School Act shall be construed to apply also to the case of an alteration of 5 the boundaries of a union school section where a part only of the portion in either municipality is withdrawn by the council thereof.

15. The Public School Board of any township may exercise Powers of and enjoy all the rights and powers of Trustees of Rural School Public School 10 Sections, under the provisions of the Public Schools Act, as Boards of Townships. well as those of Public Schools in cities and towns, and in cases where the Public School Board was established before the second day of March, one thousand eight hundred and seventyseven, the period of five years after which a by-law for the 15 repeal thereof may be submitted shall be taken to begin from the time when the Public School Board was originally established.

16. Section five of chapter two hundred and three of the Sec. 5 of R Revised Statutes respecting the Education Department is here- S. O., c. 203 20 by amended, by substituting for sub-section six the following, amended. "It shall be the duty of the Minister to apportion annually on or before the first day of May all sums granted or provided by the Legislature for the support of Public and Separate Schools, and not otherwise appropriated by law in the several

25 counties, townships, cities, towns, and incorporated villages, according to the ratio of population in each as compared with the whole population of Ontario, as shown by the last annual returns received from the clerks of the respective counties, cities and towns, separated from a county"—and by adding 30 as sub-section nineteena the following amongst other duties of the Minister of Education;

"19a. To authorize the delivery from the Depository of any prize or library book or maps or apparatus in payment of an amount equal to the cost, according to authorized catalogue 35 prices of any prize or library books, or maps or apparatus purchased by any School Corporation from any publisher or person, in lieu of payment out of moneys to be appropriated by the Legislature for that purpose, when desired by such. School Corporation, and also to authorize the delivery from the 40 Depository at cost price to Normal School students, stationery and text-books, maps, apparatus and library books, and to teachers libraries, works on Education for their use, also library, prize and text-books, maps and apparatus to Public Institutions maintained or aided from the Consolidated Revenue."

17. The following sub-section is hereby added to section one Sub-sec. adhundred and twelve of the Public Schools Act: "5. It shall ded to sec. 112 also be the duty of every County Clerk to furnish the Minist of R. S., O., c. also be the duty of every County Clerk to furnish the Minis- of R ter before the first day of April in each year with a statement showing the population of each minor municipality within the 50 county, according to the returns upon the Assessment Rolls for the previous year, of each such minor municipality."

18. The clerk of every city and town separated from a Clerks to make county shall, before the first day of April in each year, make returns of popa return to the Minister of Education showing the population ulation.

of such city or town, as shown by the Assessment Rolls for the previous year of such city or town.

19. The provisions contained in the fourth, fifth, sixth and Sections 4, 5, 6 and 7 of this seventh sections of this Act shall also apply to Separate School Act to apply Corporations in cities, towns and villages and the Trustees Corporations in cities, towns and villages and the Trustees 5 thereof; Separate School Corporation or Trustee being substituted for Public School Corporation or Trustee, Separate School supporter instead of person rated in respect of Public Schools, and Public School supporter for Separate School supporter where these expressions respectively occur in such provisions, 10 and the clerk of the municipality shall, upon request, furnish to the Separate School Trustees, a list of persons being supporters of Separate Schools in each ward, or school district, as shown by the last revised Assessment Roll, or the notices or lists of Separate School supporters filed in his office. 15

2. The provisions contained in the sec. 8a of this Act, shall also apply to and govern the elections and annual meetings of Separate School Corporations in Townships and Rural

sections.

Borrowing powers of Trustees of Separate Schools.

20. The Trustees of any separate School shall have full 20 power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of any moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school-25 house property and premises, or any other real or personal property vested in them, or upon the Separate School rates, and each ratepayer who was a Separate School supporter at the time when any loan was effected on the security of said rates, shall, while such ratepayer, continue to be liable for the rate to 30 be levied for the repayment of such loan."

2. The principal money representing any sum so borrowed, may in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments with or without interest, and the said trustees in addition to 35 all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instru- 40 ment aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other Separate School rates may now be levied and collected.

3. "When any supporter of a Separate School resides with- 45 out the Municipality in which the school is situate he shall be entitled to vote in the ward or division in which the schoolhouse nearest to his place of residence is situate, if within the

distance of three miles in a direct line."

Non-resident s may require school tax to

21. Any person, who, if resident in the Municipality would 50 be entitled to be a supporter of any Separate School in such Municipality, in giving notice under section three of the Asbe appropriated to a Separ-sessment Act, that he is the owner of land in such Municiate School. pality may also require that such land be assessed for Separpality, may also require that such land be assessed for Separate School purposes in such Municipality, if a Separate School 55 exists therein, and the assessor shall thereupon place this in

the prescribed column for Separate School rates, and such land shall be assessed accordingly.

22. The provisions of sub-sections sixteen (a) (b) (c) and Certain provi (d) of section one hundred and two of the Public Schools Act, sions of sec. 102 of R. S. O 5 shall also apply to Separate Schools, and the rights conferred extended to thereby shall be possessed by the Trustees thereof and the like Separate Schools. powers and duties therein mentioned shall be exercised in respect of Separate Schools and Separate School rates, but this shall not be held to affect other rights of Separate School

10 Trustees in that behalf. 2. So much of the County rate levied yearly upon the several Townships of the County for the payment of teachers' salaries which shall have been levied upon and collected from any persons being supporters of Separate Schools in any Township

15 shall be paid over by the County Treasurer to the trustees of the Separate Schools of which such persons are supporters as aforesaid.

3. In any case where the trustees of any Separate School avail themselves of the provisions contained in the 78th sec-20 tion of the Public Schools Act, for the purpose (amongst others) of ascertaining through the assessor of the Municipality the persons who are the supporters of Separate Schools in such Municipality, the assessor shall accept the statement of any ratepayer that he is a Roman Catholic, as sufficient prima facie 25 evidence for placing such person in the proper column of the Assessment Roll for Separate School supporters, or if the asses-

sor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last men-

tioned column.

30 23. The Education Department may authorize a Separate School in any County to be constituted a Model School for the training of Teachers for Separate Schools, subject to the Regulations of the Department, and where in any County such Model School has been established or from the special circumstances

35 of the Separate Schools therein, the Minister of Education should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some competent person possessing qualifications prescribed by the Education Department to be a member of the County Board of

40 Examiners of each County in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of said Board.

24. The thirtieth section of the Separate Schools Act is am- Sec. 30 of ended by inserting after the word "teacher" in the fourth line Separate Schools Act 45 thereof the words "either in the Province of Ontario, or Amended. Quebec."

25. In any case where a High School Board or Public Municipal School Corporation may, by law, require the Municipal Coun-Council may refuse to rai eil to raise or borrow a sum of money for the purchase or money for 50 school site, or the erection or purchase of any school-house of purchase of addition theorets or other purchase of any school-house of purchase of addition thereto, or other school accommodation, or for the school site, &c. purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at 55 the meeting of the Council for considering any by-law in that

behalf, "unless the sum proposed to be raised is necessary in order to comply with and fulfil the provisions contained in the High Schools Act or Public Schools Act (as the case may be)

for adequate school accommodation."

2. Where the Municipal Council, by a two-thirds 5 vote, refuses to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the Municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the 10 Municipal Electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum.

3. In the case of Rural School Sections, the Trustees Rural Sections shall not borrow or levy or collect any rate for any sum of money for the purposes hereinbefore mentioned, unless the pro- 15 posal for the same has been first submitted to and approved of

by the duly qualified school electors of the section.

4. Any Debenture for any loan of money for School purposes may be for such term of years not exceeding twenty as the Municipal Council may think fit and the Municipal 20 Council may also in its discretion make the principal of such debt repayable by annual or other instalments in the manner provided by the three hundred and thirty-second section of the Municipal Act.

25a.—The provisions contained in the twenty-fifth 25 section and the several sub-sections thereof (except sub-section four) shall not apply to any case where the Trustees of any High or Public School Corporation before the passing of this Act shall have resolved upon incurring any expenditure for any of the purposes in the twenty-fifth section mentioned, or where 30 they have entered upon or incurred, or have become liable for any such expenditure, and in any such case the said Trustees shall retain, possess and exercise all the same powers and rights as if the said twenty-fifth section and the sub-sections thereof (except sub-section four) had not been enacted. 35

Trustees in

must submit

Debentures.

rate to electors.

26. In Cities and Towns the Inspector of Public Schools Examiners for and the head master of the High School or Collegiate Institute High Schools, shall together constitute the Board of Examiners for the admission of pupils to the High School or Collegiate Institute, and the expenses of the examination shall hereafter be borne 40 equally by the High and Public School Boards after deducting Sub-secs. 22, any fees imposed by the Education Department therefor, and 23 of s. 104 of sub-sections twenty-two and twenty-three of section one hun-R. S. O., c. 204 repealed.

Sec. 30 of R. S. O., c. 205 amended.

27. The thirtieth section of the High Schools Act is hereby 45 amended so as to read as follows:-

"30. In the case of every High School or Collegiate Institute "in a County, an amount equal to the amount paid by the "Government shall be paid by the Municipal Council of the "County in which such High School or Collegiate Institute is 50 "situated, upon the application of the High School Board; and "such other sums as may be required for the maintenance of "the said High School or Collegiate Institute to the amount "at least of the grant received from the Legislative appro-"priation, and also for school accommodation, shall be raised 55 "by the Council of the Municipality in which the High "School or Collegiate Institute is situate, upon the applica"tion of the High School Board; and in cases where two or "more Municipalities, or portions thereof, within the County, "have heretofore been formed into and continue to constitute "one High School District, or in cases where two or more such 5 "minor Municipalities, or portions thereof within the same "County, hereafter agree to form and constitue themselves into "a High School District, then such other sums as may be required for the maintenance of the said High School to the "amount at least of the grant from the Legislative appropriation" and also for school accommodation of the said High

10 "tion and also for school accommodation of the said High "School, shall be provided by such High School District upon "the application of the High School Board, and such sums "shall be raised in the manner provided in the next following "section of this Aet, but nothing in this section shall be con-

15 "strued to affect any existing suit, or to prevent the County
"Council from discontinuing any High School District hereto"fore formed by it, and any by-law of the Council of a minor
"Municipality for uniting any portion of it to another Muni"cipality within the same County for High School purposes

20 "shall be deemed the agreement of such portion, and shall be "passed by such council if petitioned for by two-thirds in "number of all the tax payers of such portion; 37 V. c. 27, s. "45; 40 V. c. 16, s. 18 (6)."

28. For section 14 of the High School Act read as follows:—
14. Seven members of such Board shall form a quorum, and such Board shall have, possess, discharge and exercise in respect of Public School matters, all the rights, powers and duties of Public Schools Boards, and in respect of High School matters all the rights, powers and duties of High School Boards.

30 29. In any case of a Public, Separate or High School Board where there shall be a tic amongst the members present at any meeting thereof, the Chairman shall, in addition to his own vote, possess a second or casting vote.

BILL.

An Act respecting Public, Separate, and High Schools.

Reprinted as proposed to be amended in Committee of the Whole.)

First Reading, 28th January, 1879.

Hon. Mr. Crooks.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

. No. 90.]

BILL.

[1879.

An Act Respecting Public, Separate and High Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. The Public School Board of any city may constitute New Section one or more of the Public Schools of such City to be a Model annexed. School for the preliminary training of Public School Teachers therein, subject to the Regulations of the Education Department.
- 2. The right of any person to vote in any municipality, at Who may vote 10 any election of Public School Trustees or upon any school question, is extended so as to comprise in addition to the persons tees. now entitled by law, every person named upon "The Voters' List" of such municipality, and whether entitled to vote at municipal elections or elections to the Legislative Assembly, when such person has been assessed for, and has paid a rate imposed upon him for Public School purposes within the last twelve months in the ward, town, village or school section in which he is proposing to vote at such election or meeting.
- 3. In case an objection is made to the right of any person Voter to make 20 to vote at any such election in any municipality or upon any required. other subject connected with Public School purposes therein, the returning officer, chairman or other officer presiding at the election or meeting shall require the person whose right of voting is objected to, to make the following declaration or affirmation:—

"I, A. B., do declare and affirm that I am the person named in the "certified copy of the Voters' List now shown to me [or have been rated "on the last revised assessment roll of this municipality as a freeholder (or "householder or tenant or in respect of income, as the case may be),] and "that I am of the full age of twenty-one years, and that I have the right "by law to vote at this election (or meeting as the case may be)."

Whereupon the person making such declaration shall be permitted to vote.

4. In cities and towns divided into wards, and in townships In cities and where Public School Boards exist, the clerk of the municipality towns divided into wards, 35 shall furnish to the Public School Board within three days clerk of muniafter request in writing "The Voters' List" for each ward of cipality to furnish Voters' such municipality, annexing thereto a list of the names of per-List to Public sons being supporters of Separate Schools, and also a list of School Boards. the names alphabetically arranged of all freeholders, house-

40 holders or tenants, and persons entitled to vote in respect of income, rated upon the then last revised Assessment Roll, and not being already upon "The Voters' List."

In towns not divided into

5. In towns not divided into wards and villages, the clerk divided into of the municipality shall furnish to the Public School Board wards, clerk to furnish Voters' within three days after request in writing, "The Voters' List" List to Public for each polling sub-division in the case of such town or vil-School Trus-lage as provided by the last preceding section lage, as provided by the last preceding section.

5

Certified copy each polling-

6. The Public School Board shall provide each polling of list and a place with the list aforesaid and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter place. Entries in poll in such book inseparate columns the names of the candidates pro- 10 posed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name, with the residence of the voter, 15 and in case of a poll demanded upon any Public School question, the name of each voter shall be similarly placed in separate columns, marked "for" or "against."

Provisions for elections of Public School Corporations.

7. The annual and other elections of the trustees of all Public School Corporations, except in rural School Sections 20 shall be conducted under and subject to the following provi-

Nominations.

1. A meeting of the electors for the nomination of candidates for the office of Public School Trustee shall take place at noon on the last Wednesday in the month of December annu- 25 ally, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School Board, and in municipalities divided into wards, in each ward thereof, if the Board in its discretion thinks fit.

Returning Officer.

2. The Public School Board shall by resolution name the 30 returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the Public School Board shall give at least six days' notice of such meeting;

Proceedings at nomination.

3. If at the said meeting, only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding shall, after the lapse of one hour, declare such candidates duly elected; but if two or more candidates are proposed for any one office and a poll in 40 respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist as 45 shall be determined by resolution of the said trustees;

Hours of Polling.

4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has 50 elapsed without any vote having been polled;

Public School Board to fix place for no-mination and election, and name returning officer.

5. The Public School Board shall before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer 55 who shall preside at the respective polling places, and forthwith give public notice thereof;

6. The returning officer or person presiding shall, on the day Duty of reafter the close of the election, return the poll book to the turning officer Public School Board, with his solemn declaration thereto an-election. nexed, that the poll book has been correctly kept, and con-5 tains a true record of the votes given at the polling place for

which he was returning officer;

7. The Public School Board shall add up the number of Duty of Public votes for each candidate for any office, as appears from the School Board poll book so returned, and shall declare elected the candidate or

10 candidates having the highest number of votes, and shall at noon, on the day following the return of the poll books, put up in some conspicuous place in the Municipality, and at one or more of the school-houses therein, a statement shewing the number of votes for each candidate;

8. In case two or more candidates have an equal number of Casting vote votes, the Member of the Board present who is assessed highest as a ratepayer on the last revised assessment roll, shall, at the time of declaring the result of the poll, give a vote for one or more

of such candidates, so as to decide the election;

9. The Judge of the County Court shall, within twenty days Judge of after the election of any trustee of a Public School Board in County Court any municipality within his county, receive and investigate investigate any complaint respecting the validity or mode of conducting complaints the election, and in a summary manner shall hear and determine

25 the same; and may by order cause the assessment rolls, collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him, as he may deem expe-

30 dient, and may confirm the said election, or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed, and, in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted;

35 and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall appoint the time and place

of holding such election;

10. In case of any vacancy in the office of Trustee of any Vacancy in 40 Public School Board arising from any cause, the remaining once of Trustee. trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled;

11. The new election shall be conducted in the same manner Proceedings and be subject to the same provisions as an annual election new election and the *Public School Board* shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said

50 nomination.

8. The special provisions relating to the City of Toronto Inconsistent and all other provisions inconsistent with the foregoing, con-provisions repealed. tained in the Public Schools Act, are hereby repealed.

9. All the provisions of the Public School Act respecting the election of Trustees, and the annual meetings in Rural School sections, shall continue to apply to Rural School Corporations, except that the annual meeting and the nomination and election of Trustees thereat, shall be held on the last Wednesday in the month of December in each year, or if such Wednesday be a holiday, then on the day next following.

Sec. 33 of R. S., O., c. 204 amended.

10. The thirty-third section of the Public Schools Act is hereby amended so as to read as follows: "In municipalities composed of more than one township, but without county 5 organization, it shall be optional with the Municipal Council thereof to form portions of the Townships comprising the municipality into school sections, or to establish a Board of Public School Trustees, two members being elected for each ward, and if not divided into wards, two for each township 10 thereof, and such Board shall possess all the powers and duties of Township Boards, and shall also upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others.

Levying School rates. 11. The powers of Trustees of Rural School sections in 15 organized Townships, to levy or collect upon their own authority Public School rates, shall cease and be determined on the passing of this Act, except in so far as any proceedings are now pending, which may be prosecuted until all rates thereunder are collected, and it shall henceforth be the duty of 20 the Public School Trustees to obtain all moneys for Public School purposes, which may be levied by rate on taxable property, by the means and under the provisions contained in the 78th and 79th sections of the Public Schools Act.

R. S. O., c. 204, s. 80, amended. 12. The eightieth section of the Public Schools Act 25 is hereby amended, by adding to sub-section seven the words "or according to the average attendance of pupils at each school during the year then last past."

R. S. O. c. 204, s. 160 amended. 13. The one hundred and sixtieth section of the Public Schools Act is hereby amended by striking out the fourth sub-30 section of the said Act, and substituting in lieu thereof the following:—"from and after the eighteenth day of August next, the fee to be imposed upon any non-resident pupils shall not exceed the sum of twenty-five cents for each pupil for every calendar month."

Sec. 110 of R. S., O., c. 204 amended.

14. The one hundred and tenth section of the Public Schools Act is hereby amended by adding to sub-section one, the following, "or, when directed by the County Inspector, to pay out of the school assessment of the county the amount of the Inspector's lawful order to any Public School teacher, assistant teacher 40 or monitor," and by adding thereto as sub-section six, the following:

"6. To furnish the Minister with such information as he may require respecting moneys raised or expended in the Municipality for Public or High School purposes."

45

Additional powers conferred upon arbitrators apapointed under R. S., O., c. 204.

15. In addition to the powers conferred upon arbitrators under the Public Schools Act in reference to the compulsory taking of land for school sites, they shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner in respect of the 50 land required for the purpose of the school site upon notice in writing to every such claimant and after hearing and determining his claims or rights.

16. In the case of a union school section composed of parts Municipality of two or more municipalities the union school section shall be in which held for the purposes of inspection, taxation, the borrowing of to be considermoneys, and for all school purposes as within the township, ed as situated. 5 town, or village in which the school-house of the union is situate.

17. A union school section may be altered so that a part of Alteration of the same may be withdrawn by the council of the municipality union section in its discretion in which such part is situate without with-10 drawing the whole portion of such municipality forming the union in case such alteration is petitioned for by a majority of the assessed freeholders and householders of such part: and the one hundred and fortieth section of the Public Schools Act shall be construed to apply also to the case of an alteration of 15 the boundaries of a union school section where a part only of the portion in either municipality is withdrawn by the council thereof.

- 18. The one hundred and thirty-fifth section of the Public Schools Act shall become of none effect, and be repealed on and 20 after the first day of January next, and the provisions contained in the one hundred and thirty-seventh section and the several sub-sections thereof, shall thenceforth apply to and govern all union sections.
- 19. The Public School Board of any township may exercise Powers of 25 and enjoy all the rights and powers of Trustees of Rural School Public School Sections, under the provisions of the Public Schools Act, as Townships. well as those of Public Schools in cities and towns, and in cases where the Public School Board was established before the second day of March, one thousand eight hundred and seventy-30 seven, the period of five years after which a by-law for the repeal thereof may be submitted shall be taken to begin from

the time when the Public School Board was originally established. 20. Section five of chapter two hundred and three of the Sec. 5 of R. 35 Revised Statutes respecting the Education Department is here-amended. by amended, by substituting for sub-section six the following,

"It shall be the duty of the Minister to apportion annually on or before the first day of May all sums granted or provided by the Legislature for the support of Public and Separate 40 Schools, and not otherwise appropriated by law in the several counties, townships, cities, towns, and incorporated villages, according to the ratio of population in each as compared with the whole population of Ontario, as shown by the last annual returns received from the clerks of the respective counties,

45 cities and towns, separated from a county"—and by adding as sub-section nineteen a the following amongst other duties

of the Minister of Education;

"19a. To authorize the delivery from the Depository of any prize or library book or maps or apparatus in payment of an 50 amount equal to the cost, according to authorized catalogue prices of any prize or library books, or maps or apparatus purchased by any School Corporation from any publisher or person, in lieu of payment out of moneys to be appropriated by the Legislature for that purpose, when desired by such 55 School Corporation, and also to authorize the delivery from the Depository at cost price to Normal School students, stationery and text-books, maps, apparatus and library books, and to teachers libraries, works on Education for their use, also library, prize and text-books, maps and apparatus to Public Institutions maintained or aided from the Consolidated Revenue."

Sub-sec. ad-

21. The following sub-section is hereby added to section one ded to sec. 112 hundred and twelve of the Public Schools Act: "5. It shall also be the duty of every County Clerk to furnish the Minister before the first day of April in each year with a statement showing the population of each minor municipality within the county, according to the returns upon the Assessment Rolls 10 for the previous year, of each such minor municipality."

Clerks to make

22. The clerk of every city and town separated from a returns of pop- county shall, before the first day of April in each year, make a return to the Minister of Education showing the population of such city or town, as shown by the Assessment Rolls for the 15 previous year of such city or town.

Sections 4, 5, 6 and 7 of this Act to apply to Separate

23. The provisions contained in the fourth, fifth, sixth and seventh sections of this Act shall also apply to Separate School Corporations in cities, towns and villages and the Trustees 20 thereof; Separate School Corporation or Trustee being substituted for Public School Corporation or Trustee, Separate School supporter instead of person rated in respect of Public Schools, and Public School supporter for Separate School supporter where these expressions respectively occur in such provisions, 25 and the clerk of the municipality shall, upon request, furnish to the Separate School Trustees, a list of persons being supporters of Separate Schools in each ward, or school district, as shown by the last revised Assessment Roll, or the notices or lists of Separate School supporters filed in his office. 2. The provisions contained in the section nine of this Act, shall also apply to and govern the elections and annual meetings of Separate School Corporations in Townships and Rural

Borrowing powers of Trustees of Separate Schools.

sections.

24. The Trustees of any Separate School shall have full 35 power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of any moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school- 40 house property and premises, so or any other real or personal property vested in them, or upon the Separate School rates, and each ratepayer who was a Separate School supporter at the time when any loan was effected on the security of said rates or property, shall, while resident within the section or municipal- 45 ity within which such Separate School is situate, continue to be liable for the rate to be levied for the repayment of such loan.

2. The principal money representing any sum so borrowed, may in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments 50 with or without interest, and the said trustees in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due 55 in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other

Separate School rates may now be levied and collected.

3. When any supporter of a Separate School resides without the Municipality in which the school is situate he shall be entitled to vote in the ward or division in which the schoolhouse nearest to his place of residence is situate, if within the distance of three miles in a direct line.

25. Any person, who, if resident in the Municipality would Non-resident s be entitled to be a supporter of any Separate School in such may require school tax to Municipality, in giving notice under section three of the Assessment Act, that he is the owner of unoccupied land in such ed to a Separate School. Municipality, may also require that such land be assessed for ate School.

15 Separate School purposes in such Municipality, if a Separate School exists therein, and the assessor shall thereupon enter such person in the assessment roll as a Separate School supporter, and the proper entries in that behalf shall be made in the prescribed column for Separate School rates, and such land 20 shall be assessed accordingly for Separate School rates, and not

for Public School purposes.

26. The provisions of sub-sections sixteen (a) (b) (c) and Certain provi (d) of section one hundred and two of the Public Schools Act, sions of sec. shall also apply to Separate Schools, and the rights conferred extended to 25 thereby shall be possessed by the Trustees thereof and the like Separate powers and duties therein mentioned shall be exercised in respect of Separate Schools and Separate School rates, but this shall not be held to affect other rights of Separate School Trustees in that behalf.

30 2. So much of the County rate levied yearly upon the several Townships of the County for the payment of teachers' salaries which shall have been levied upon and collected from any persons being supporters of Separate Schools in any Township shall be paid over by the County Treasurer to the trustees 35 of the Separate Schools of which such persons are supporters

as aforesaid.

3. In any case where the trustees of any Roman Catholic Separate School avail themselves of the provisions contained in the seventy-eighth section of the Public Schools Act, for the pur-

40 pose (amongst others) of ascertaining through the assessor of the Municipality the persons who are the supporters of Separate Schools in such Municipality, the assessor shall accept the statement of, or made on behalf of, any ratepayer that he is a Roman Catholic, as sufficient prima facie evidence for placing

45 such person in the proper column of the Assessment Roll for Separate School supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column.

27. The Education Department may authorize a Separate 50 School in any County to be constituted a Model School for the training of Teachers for Separate Schools, subject to the Regulations of the Department, and where in any County such Model School has been established or from the special circumstances of the Separate Schools therein, the Minister of Education 55 should deem it expedient, he may recommend for appoint-

ment by the Lieutenant-Governor in Council some one compe-

tent person possessing qualifications prescribed by the Education Department to be a member of the County Board of Examiners of such County in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of said Board.

Sec. 30 of Separate Schools Act Amended.

28. The thirtieth section of the Separate Schools Act is amended by inserting after the word "teacher's," secondly occuring, in the fourth line thereof the words "either in the Province of Ontario, or, at the time of the passing of the British 10 North America Act, in the Province of Quebec.

Municipal Council may money for purchase of chool site, &c.

- 29. In any case where a High School Board or Public School Corporation may, by law, require the Municipal Council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or 15 addition thereto, or other school accommodation, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at themeeting of the Council for considering any by-law in that 20 behalf.
- 2. Where the Municipal Council, by a two-thirds vote, refuses to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of he 25 Municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the Municipal Electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum.

 3. In the case of Rural School Sections, the Trustees 30

electors.

Debentures.

Trustees in 3. In the case of Rural Sections shall not borrow or levy or collect any rate for any sum of must submit submit shall not borrow or levy or collect any rate for any sum of posal for the same has been first submitted to and approved of by the duly qualified school electors of the section.

4. Any Debenture for any loan of money for School pur- 35 poses may be for such term of years not exceeding twenty as the Municipal Council may think fit and the Municipal Council may also in its discretion make the principal of such debt repayable by annual or other instalments in the manner provided by the three hundred and thirty-second section of the 40

Municipal Act.

30.—The provisions contained in the twenty-ninth section and the several sub-sections thereof (except sub-section four) shall not apply to any case where the Trustees of any High or Public School Corporation before the passing of this 45 Act shall have resolved upon incurring any expenditure for any of the purposes in the twenty-ninth section mentioned, or where they have entered upon or incurred, or have become liable for any such expenditure, and in any such case the said Trustees shall retain, possess and exercise all the same powers and rights 50 as if the said twenty-ninth section and the sub-sections thereof (except sub-section four) had not been enacted.

31. In Cities and Towns the Inspector of Public Schools, Examiners for and the head master of the High School or Collegiate Institute High Schools, shall together constitute the Board of Examiners for the ad- 55 mission of pupils to the High School or Collegiate Institute,

and the expenses of the examination shall hereafter be borne equally by the High and Public School Boards after deducting any fees imposed by the Education Department therefor, and sub-sections twenty-two and twenty-three of section one hun23 of s. 104 of the Public Schools Act, are hereby repealed. R. S. O., c. any fees imposed by the Education Department therefor, and 5 dred and four of the Public Schools Act, are hereby repealed.

32. The thirtieth section of the High Schools Act is hereby Sec. 30 of R. s. O., c. 205 amended so as to read as follows:—

S. O., c. 205 amended. amended so as to read as follows:-

"30. In the ease of every High School or Collegiate Institute "in a County, an amount equal to the amount paid by the "County in which such High School or Collegiate Institute is "situated, upon the application of the High School Board; and "such other sums as may be required for the maintenance of "the said High School or Collegiate Institute to the amount 15 "at least of the grant received from the Legislative appro-"priation, and also for school accommodation, shall be raised "by the Council of the Municipality in which the High "School or Collegiate Institute is situate, upon the applica-"tion of the High School Board; and in cases where two or 20 "more Municipalities, or portions thereof, within the County, "have heretofore been formed into and continue to constitute "one High School District, or in cases where two or more such "minor Municipalities, or portions thereof within the same "County, hereafter agree to form and constitue themselves into 25 "a High School District, then such other sums as may be re-"quired for the maintenance of the said High School to the "amount at least of the grant from the Legislative appropria-"tion and also for school accommodation of the said High "School, shall be provided by such High School District upon 30 "the application of the High School Board, and such sums "shall be raised in the manner provided in the next following "section of this Act, but nothing in this section shall be con-"strued to affect any existing suit, or to prevent the County "Council from discontinuing any High School District hereto-35 " fore formed by it, and any by-law of the Council of a minor "Municipality for uniting any portion of it to another Muni-"cipality within the same County for High School purposes "shall be deemed the agreement of such portion, and shall be "passed by such council if petitioned for by two-thirds in 40 "number of all the tax payers of such portion; 37 V. c. 27, s.

33. For section 14 of the High School Act read as follows:—S. 14 of High 14. Seven members of such Board shall form a quorum, and School Act che Board shall have possess discharge and exercise in respect such Board shall have, possess, discharge and exercise in respect Fublic School matters, all the rights, powers and duties of Public Schools Boards, and in respect of High School matters all the rights, powers and duties of High School Boards.

34. In any case of a Public, Separate or High School Casting vote. Board where there shall be a tie amongst the members present 0 at any meeting thereof, the Chairman shall, in addition to his own vote, possess a second or casting vote.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act respecting Public, Separate, and High Schools.

(Reprinted as Amended.)

First Reading, 28th January, 1879. Second "18th February, 1879.

Mr. Crooks.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to extend the right of taking the Security of Guarantee Companies.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any Act of the See R. S., O., 5 Legislature of the Province of Ontario, the bonds or poli- c. 15, s. 24, and c. 173. cies of guarantee of any such incorporated company—empowered and c. 173.

Bonds of Guarto grant guarantees, bonds or policies for the integrity and anteed Comfaithful accounting of public officers, or others, or for like purpanies may be taken as poses—as shall be approved for this purpose by the Governor in security.

10 Council, may be accepted by any judge or other person authorized or required to take security for the due performance of any duty, instead of or in addition to the bond or security of a surety or sureties, if such judge or other person sees fit to accept such bond or policy as aforesaid, and approves the conditions and

15 terms thereof: and all the provisions in any such Act relating to the security to be given by any person to whom any duty is committed, or his surety or sureties, shall apply to the bonds or policies of guarantee of such company as aforesaid.

DILL

An Act to extend the right of taking the Security of Guarantee Companies.

First Reading, 4th February, 1879.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 92.]

BILL.

ſ1879.

An Act to amend the Division Courts Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section number two of section fifty-five of chapter R.S.O., c. 47 5 forty-seven of the Revised Statutes of Ontario is amended by 8.54 amended.

adding thereto the words following:

2. And in any action for the recovery of a debt or money de-Jurisdiction mand, where the amount claimed does not exceed two hundred ascertained by dollars, in which the amount of the demand is ascertained by signature of the signature of the defendant.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Division Courts Act.

First Reading, 29th January, 1879.

Hon. Mr. Currie.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the issuing of Scrip for Railway Grants in certain cases.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Upon the application of any Railway Company entitled to Aid to 5 receive aid out of the Consolidated Railway Fund by way of a Railways may be made by gross payment per mile by virtue of the provisions of the Act annual passed in the thirty-ninth year of Her Majesty's reign, entitled payments for a term of years "An Act respecting aid to certain Railways, and for other puring lieu of one poses," or of the provisions of the Act passed in the fortieth gross sum. 10 year of Her Majesty's reign, entitled "An Act respecting aid

- to certain Railways and the creation of a Railway Land Subsidy Fund," or of the provisions of the Act passed in the forty-first year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways," the Lieutenant-Governor-in-Council
- 15 may, at his option, direct, in lieu of such gross payment, that payment shall be made semi-annually to the said Company at the yearly rate of one hundred and seventy-three dollars and four cents, for the full period of twenty years for every sum of one thousand dollars to which such Company is enti-20 tled by virtue of the said Acts or any of them, and in like proportion for every proportional part of one thousand dollars.
- 2. The next semi-annual payments of eighty-six dollars Time of next and fifty-two cents shall be made on the thirtieth day of June, semi-annual and thirty-first day of December of each year, and the time and thirty-first day of December, of each year, and the time 25 shall be computed in manner following, that is to say:

(a). If the portion of the Railway for which payment is made, has been completed between the First day of January, and the first day of July, the payments shall be computed as commencing on the First day of January, of the preceding

(b). If the portion for which the payment is made has been completed between the First day of July, and the Thirty-first day of December, the payment shall be computed as commencing on the First day of July, of the preceding year.

3. Scrip or Certificates similar in form to the form of Certi- Form of scrip ficate given in "Schedule A," of the said Act, passed in the to be issued Forty-first year of Her Majesty's reign, entitled "An Act semi-annual respecting aid to certain Railways," may by direction of the payments. Lieutenant-Governor in Council, be is ued for such semi-annual

40 payments, and the provisions of the Fourth Sub-section of the Fourth Section of the said last mentioned Act, shall apply to Scrip or Certificates issued under this Act.

Fourth Session, Third Parliament, 42 Vic., 1879.

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An Act to authorize the issuing of Scrip for Rullway Grants in certain cases.

First Reading, 30th January, 1879.

Mr. Wood.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the issuing of Scrip for Railway Grants in certain cases.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Upon the application of any Railway Company entitled to Aid to 5 receive aid out of the Consolidated Railway Fund by way of a Railways may gross payment per mile by virtue of the provisions of the Act annual annual per mile by virtue of the provisions of the Act annual annual per mile by virtue of the provisions of the Act annual annual per mile by virtue of the provisions of the Act annual annual per mile by virtue of the provisions of the Act annual annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the provisions of the Act annual per mile by virtue of the Act ann passed in the thirty-ninth year of Her Majesty's reign, entitled payments for a term of years "An Act respecting aid to certain Railways, and for other purin lieu of one

- poses," or of the provisions of the Act passed in the fortieth gross sum. 10 year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways and the creation of a Railway Land Subsidy Fund," or of the provisions of the Act passed in the fortyfirst year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways," the Lieutenant-Governor-in-Council
- 15 may, at his option, direct, in lieu of such gross payment, that payment shall be made semi-annually to the said Company at the yearly rate of one hundred and seventy-three dollars and four cents, for the full period of twenty years for every sum of two thousand dollars to which such Company is enti-

20 tled by virtue of the said Acts or any of them, and in like proportion for every proportional part of two thousand dollars.

2. Such semi-annual payments of eighty-six dollars Time of and fifty-two cents shall be made on the thirtieth day of June, semi-annual and thirty-first day of December of each year and the time and thirty-first day of December, of each year, and the time 25 shall be computed in manner following, that is to say:

- (a). If the portion of the Railway for which payment is made, has been completed between the First day of January, and the first day of July, the payments shall be computed as commencing on the First day of January, of the preceding 30 year.
 - (b). If the portion for which the payment is made has been completed between the First day of July, and the Thirty-first day of December, the payment shall be computed as commencing on the First day of July, of the preceding year.
- 3. Scrip or Certificates similar in form to the form of Certi- Form of scrip ficate given in "Schedule A," of the said Act, passed in the to be issued Forty-first year of Her Majesty's reign, entitled "An Act semi-annual respecting aid to certain Railways," may by direction of the payments. Lieutenant-Governor in Council, be is ued for such semi-annual

40 payments, and the provisions of the Fourth Sub-section of the Fourth Section of the said last mentioned Act, shall apply to

Scrip or Certificates issued under this Act.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to authorize the issuing of Scrip for Railway Grants in certain cases.

(Reprinted as Amended.)

First Reading, 30th January, 1879.

Мв. Wood.

TORONTO: Printed by C. Blackett Róbinson. An Act respecting the Northerly and Westerly boundaries of Ontario.

WHEREAS the Northerly and Westerly boundaries of the Preamble, Province of Ontario were not determined until lately;

And whereas pending the determination thereof certain provisional lines, which for certain purposes were to be regarded 5 as such boundary lines, were agreed to by the governments of the Dominion and the Province;

And whereas it was agreed by the governments of the Dominion of Canada and the Province of Ontario that the true boundaries should be determined by reference to arbitration;

And whereas one of the arbitrators named in the Revised Statutes of Ontario, chapter four, died, and the other resigned without having made any award;

And whereas the Governor-General of Canada in Council afterwards named as arbitrator the Honourable Sir Francis 15 Hincks, of the city of Montreal, Knight, and the Lieutenant-Governor in Council of this Province named as arbitrator the Honourable Robert Alexander Harrison, Chief Justice of Ontario;

And whereas the two governments further agreed that the 20 Right Honourable Sir Edward Thornton, Knight, should be the third arbitrator, and that the determination of the award of the said arbitrators or a majority of them in the matter of the said boundaries should be taken as final and conclusive;

And whereas on the third day of August, in the year of our 25 Lord one thousand eight hundred and seventy-eight, the said arbitrators made their award in writing, in the words following:-"The undersigned having been appointed by the Governments of Canada and Ontario as Arbitrators to determine the Northerly and Westerly Boundaries of Ontario, do hereby deter-30 mine and decide that the following are and shall be such boundaries, that is to say :- Commencing at a point on the southern shore of Hudson's Bay, commonly called James Bay, where a line

strike the said south shore, thence along the said south shore 35 westerly to the mouth of the Albany river, thence up the middle of the said Albany river and of the lakes thereon, to the source of the said river at the head of Lake St. Joseph; thence by the nearest line to the easterly end of Lac Seul, being the head waters of the English river; thence westerly

produced due north from the head of Lake Temiscaming would

40 through the Middle of Lac Seul, and the said English river to a point where the same will be intersected by a true meridional line drawn northerly from the international monument placed to mark the most north-westerly angle of the Lake of the Woods by the recent Boundary Commission, and thence

45 due south, following the said meridional line to the said inter-

national monument; thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America into Lake Superior. But if a true meridional line drawn northerly from the said international boundary at the said most north-westerly angle of the 5 Lake of the Woods, shall be found to pass to the west of where the English river empties into the Winnipeg river, then, and in such case the northerly boundary of Ontario shall continue down the middle of the said English river to where the same empties into the Winnipeg river, and shall continue thence on a 10 line drawn due west from the confluence of the said English river with the said Winnipeg river, until the same will intersect the meridian above described, and thence due south following the said meridional line to the said international monument, thence southerly and easterly following upon the international boun- 15 dary line between the British possessions and the United States of America, into Lake Superior."

And whereas the effect of the said award is to give to this Province less territory than had been claimed on behalf of the Province, and more territory than the Government of Canada 20 had contended to be within the limits of the Province, or than was contained within the provisional boundary lines

aforesaid;

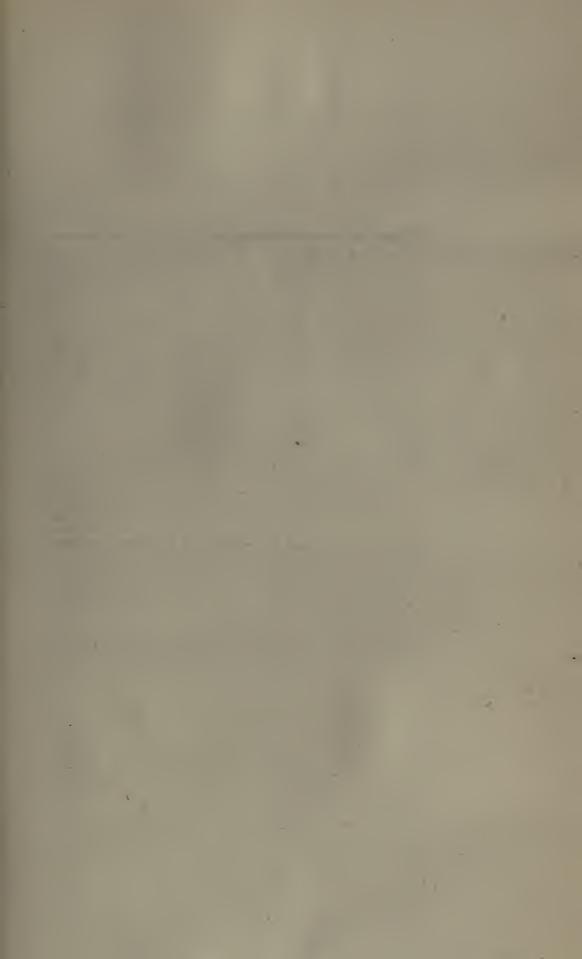
And whereas by chapter twenty-eight of the Acts of the Parliament of the United Kingdom of Great Britain and Ire-25 land, passed in the Session held in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and entitled "An Act respecting the establishment of Provinces in the Dominion of Canada," it is enacted that the Parliament of Canada may, from time to time, with the consent of the Legislature of any 30 Province in the Dominion, increase, diminish, or otherwise alter the limits of such Province upon such terms and conditions as may be agreed to by the said Legislature, and may with the like consent, make provision respecting the effect and operation of any such increase, or diminution, or alteration of 35 territory in relation to any Province affected thereby;

And whereas it is proper that the boundaries determined by

the said award be adopted and confirmed;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 40 as follows:—

Parliament of Canada may declare Northerly and Westerly boundaries of Ontario. 1. The Legislature of the Province of Ontario consents that the Parliament of Canada may declare that the boundaries which by the award of the arbitrators aforesaid were decided to be the northerly and westerly boundaries, respectively, of 45 this Province, shall be and are the northerly and westerly boundaries thereof, whether the same increase, diminish, or otherwise alter the true northerly and westerly limits of the Province.



Fourth Session, Third Parliament, 42 Vic., 1879.

DILL

An Act respecting the Northerly and Westerly boundaries of Ontario.

First Reading, 4th February, 1879.

The Attorney-General.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 95.]

BILL.

[1879.

An Act respecting Commissioners for taking Affidavits and Affirmations.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Every Commissioner heretofore or hereafter appointed to Commissioners take and receive affidavits and affirmations in any County, any County, Temporary Judicial District, Provisional Judicial District, etc., may act Provisional County, or in any other territory not being part of any where in any such district or of any county within the Province of Ontario, may take and receive such affidavits and affirmations,
 and act as such Commissioner, in any part of the Province of Ontario.

BLLL.

An Act respecting Commissioners for taking Affidavits and Affirmations.

First Reading, 5th February, 1879.

MR. CURRIE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Municipal Act.

ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. Sub-section six of section four hundred and sixty-six of Sec. 466, sub-5 the Municipal Act is hereby amended by adding thereto the Sec. 6 of R. S. following words:—

"And also for granting annually, or oftener, licenses for the sale of fresh meat and fresh fish, except shell fish, and for regulating such sale, and fixing and regulating the places where 10 such sale shall be allowed, and for imposing a license fee to be paid for such license, and for enforcing the payment of the same, and for preventing the sale of fresh meat or fresh fish, except shell fish, unless by a person holding a valid license and in a place authorized by the Council."

2. Section four hundred and forty-five of the Municipal Act is Sec. 44 hereby amended by adding thereto the following words:—

"And the Corporation of each city and town is hereby declared to have a valid insurable interest in the Court House and Gaol of its county to the amount of the sums contributed by it 20 from time to time towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for the said Gaol and Courts of Justice, and for all officers connected with such courts, and any such corporation may insure its said interest accordingly."

3. Section four hundred and ninety-one of the Municipal Sec. 491 Act is hereby amended by adding thereto the following words: amended.

"Provided always that in addition to its present rights it shall be lawful for the corporation in an action or suit, in any court of competent jurisdiction, to sue for and recover such 30 damages as aforesaid, together with interest and all costs paid by it, from the body or bodies corporate, person or persons, their successors, personal representatives and estate, whose unlawful, or unauthorized, or negligent act or acts, in or upon or in connection with any public road, street, bridge, or highway, was

35 the cause of the accident or injury in respect of which said damages and costs were paid by such corporation; And provided further that it shall be lawful for the corporation to demand and take from any person or persons permitted to dig or excavate in, or obstruct any public road, street, bridge, or high-

40 way, temporarily, a sufficient bond of indemnity with two sufficient sureties indemnifying the corporation and their successors against all actions, suits, damages, and costs arising therefrom, or from his or their negligence in connection therewith, and containing any other conditions that may be deemed

necessary or advisable for the due protection of the public and corporation, and that as to all actions, except actions on contract, brought against a municipal corporation, chapter seventythree, Revised Statutes of Ontario, shall apply for its protection in like manner and to the like extent as it applies for the protection of the officers and persons therein named.

An Act to amend the Municipal Act.

First Reading, 5th February, 1879.

MR. ROBINSON

TORONTO:

Fourth Session, Third Parliament, 42 Vic., 1879.

PRINTED BY C. BLACKETT ROBINSON.

No. 97.]

BILL.

[1879.

An Act to amend the Municipal Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Sections eventy-four of the Municipal Act is hereby amend-R.S. O. c. 174. 5 ed by inserting after the word "retail" in the ninth line the s. 74 amended. words "no person who is a License Commissioner or Inspector of Licenses."

Fourth Session, Third Parliament, 42 Vic. 1879.

BILL.

An Act to amend the Municipal Act.

First Reading, 6th February, 1879.

MR. MEREDITH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

[No. 98.]

BILL.

[1879.

An Act to Amend the "Jurors' Act."

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

PART No. 1.

1. The third section of the Jurors' Act, Chapter forty-eight of S. 3 of Jurors' 5 the Revised Statutes of Ontario, is hereby repealed, and the Act repealed.

following is substituted therefor.

"3. Unle s exempted, every person residing in any County or Qualification, other local Judicial division in Ontario, who is over the age of twenty-one years, and in the possession of his natural faculties, 10 and not infirm or decrepid, and who is assessed as owner or tenant for local purposes upon property, real or personal, belonging to him in his own right, or in that of his wife, of the value of not less than six hundred dollars in Cities, and four hundred dollars in Towns, Incorporated Villages and 15 Townships, shall be qualified and liable to serve as a Juror, both on Grand and Petit Juries, in Her Majesty's Superior Courts of Common Law, having general Criminal or Civil jurisdiction throughout Ontario, and in all Courts of Civil or Criminal jurisdiction within the County or other local judicial 20 division of the County in which he resides.

2. Section eight of the said Act is hereby repealed, and the S. 8 of Jurors' Act repealed,

following section is substituted therefor:—

8. Every member of the Senate and House of Commons and section of the Legislative Assembly of this Province, every Warden substituted. 25 and every member of any County Council, every Mayor, Reeve, or Deputy Reeve of any city, town, township, or village, every Justice of the Peace and every other member and officer of any municipal corporation, is hereby absolutely freed and exempted from being selected by the selectors of jurors herein-30 after mentioned to serve as a grand or petit juror in Her Majesty's Inferior Courts, and none of the names of any such persons shall be inserted in the rolls from which jurors are to be taken for such purposes, and if any such name be at any time accidentally inserted in any such roll, it shall, if drawn in

35 selecting any jury list or drafting any panel therefrom for such Inferior Courts, be set aside and not inserted therein.

3. The senior Judge of the County Court, the junior Judge County selecthereof, the Mayor of any City situate in any such County, the tors Warden, the Treasurer, the Sheriff, or in his absence the deputy 40 Sheriff of the County, any three of whom shall be a quorum, shall be ex-officio selectors of Jurors, from the Jurors' Rolls

within their respective Counties, and may be known as "County selectors." In case of an equality of votes amongst the selectors present upon any question which may arise, the County Judge, if present, or in his absence the Junior Judge, shall have a double or casting vote in the decision of the question. 5

Annual Meeting of County selectors.

4. The County selectors for each County shall assemble annually at the office of the Clerk of the Peace, on the fifteenth day of August, or if such day be a Sunday or statutory holiday, then on the first day thereafter, not being such holiday, for 10 the purpose of determining the number of Jurors both Grand and Petit, and for the Superior and Inferior Courts respectively, which shall be returned by the local Municipalities, to the Clerk of the Peace, for service as Jurors during the ensuing year, and the Clerk of the Peace shall attend the meeting of 15 such selectors, and, in a book to be kept for the purpose, shall enter their proceedings and resolutions; but he shall have no voice in the selection of Jurors, and shall in no case advise or express an opinion whether any name ought to be placed upon or omitted from the Jury list.

Determination of number of Jurors for the vear.

5. The County selectors shall at such meeting, by resolution, first determine and declare the number of Jurors, both Grand and Petit respectively, that will be required for service at the several sessions of the Courts during the ensuing year, and shall fix the total number of names of Jurors, Grand and Petit, 25 respectively, and for the Superior and Inferior Courts respectively, which the local Municipalities shall return at three times the number declared by the resolution to be required.

Determinaof jurors from each Municipality.

6. The County selectors shall then, by resolution, determine tion of number the number of names of such Grand and Petit Jurors respec- 30 tively, for Superior and Inferior Courts respectively, to be returned by each local Municipality in the County, and the number of names of persons qualified to vote at both Municipal Elections and elections to the Legislative Assembly on the Voters' lists of each Municipality, shall form an approxi-35 mate basis for such division; and the Clerk of the Peace shall preserve, and at such meeting produce for the use of the County selectors, the Voters' lists, delivered to him by the Clerks of the several Municipalities under the provisions of the Voters' lists Act, or duly certified copies of such lists.

Clerk of the Clerks of local Municipalities.

7. The Clerk of the Peace shall within five days after the Peaceto notify meeting of the County selectors, notify in writing the Clerk of each local Municipality in the County, of the number of names of Grand and Petit Jurors respectively, required to be returned from the Municipality for which he is Clerk, for service in the 45 Superior and Inferior Courts respectively.

S. 18 of Jurors' Act repealed, and new section substituted.

8. The eighteenth section of the said Jurors' Act is hereby repealed, and the following is substituted in lieu thereof:

18. The selectors for each Municipality shall, from the certified voter's list for the Municipality for the year if such 50 list has been certified, or if the same has not been certified, then from the list for the year published by the Clerk of the Municipality, or if no such list has been published then from the last certified list, or if there is no certified list for the Municipality then from the assessment roll, write down on 55

one or more sheets of paper provided for that purpose, twice as many names of persons appearing by the Assessment Roll to be possessed of the requisite property-qualification and otherwise duly qualified to serve on juries, as have been required by the 5 County selectors to be selected and returned from the Municipality; and the proper assessment roll shall in all cases be referred to by the selectors for the purpose of determining who are exempt or disqualified from acting as Jurors and for such other purposes as are necessary in the discharge of their 10 duty as selectors.

2. The Clerk of the Municipality shall for the purposes of

this section, bring with him and produce to the selectors the

proper Voter's List and Assessment Roll.

- 3. The first year after this Act shall come into force, the selec-15 tors shall commence with those persons whose surnames begin with the letter "A," and so on, from letter to letter, in alphabetical order, and shall write down the names consecutively, of all those persons qualified to serve on juries, and not exempt by law, until twice the total number 20 required to be returned, of persons duly qualified shall be obtained; and at each subsequent annual meeting, the selectors for the Municipalities shall begin at the letter next to that at which they left off the preceding year, and so on in alphabetical order until they shall have gone 25 through all the letters of the alphabet, when they shall again begin with the letter "A."
- 4. In the event of such selectors obtaining the names of a sufficient number of duly qualified persons after they have entered upon, but not before they have exhausted the entire 30 number of those qualified under any one letter, they shall at the next annual selection commence at the beginning of such letter, but shall not select the names of any persons returned the preceding year. The selectors shall select at least twothirds of the persons whose names they have so written down, 35 namely the two-thirds thereof in their opinion the best qualified to serve on juries.
- 9. In order to facilitate the selection of jurors the clerk Voters lists to shall, in making out the voters' list immediately after the show persons word "owner," "tenant," "income," or other description, or serve as 40 in a separate column provided for the purpose, write or mark Jurors. the letter J upon each voters list, opposite the name of every male person over twenty-one and under sixty years of age, who by such roll appears to possess the property-qualification requisite to qualify him to serve as a juror, and it shall 45 not be necessary for the selectors to refer to any name on the assessment roll which has not the letter J opposite it in the voters list, unless the selectors suspect that some names are not properly marked.

10. Section twenty of the Jurors' Act is hereby repealed S. 20 of Jurors' Act repealed and new sec-50 and the following substituted therefor:tion substituted.

20. The selectors shall then prepare a set of ballots on pieces of Jurors to be parchiment or paper of uniform and convenient size, containing selected by ballot. the same number of ballots as there are names selected, allowing one name to each ballot, and on one of each such ballots shall

be printed or written the name of one of the persons whose names have been selected as heretofore mentioned, and the selectors shall then proceed to ballot for Jurors, the number required to be selected from such Municipality by the County selectors.

2. The Clerk of the Municipality shall, in a book to be kept for that purpose, enter the dates of the meetings of such selectors for the Municipalities, the persons present thereat and taking part therein, and the letters of the alphabet from which the selections of names of persons are from year to year made.

Manner of balloting.

3. The manner of balloting shall be as follows:—

(a). The selectors, or one of them shall place the ballots promiscuously in a box or urn, to be by them procured for that purpose, and shall cause said box or urn to be shaken so as sufficiently to mix the ballots, and shall then openly draw from the 15 said box or urn indiscriminately, one of said ballots, and declare openly the name on such ballot, whereupon the clerk or one of the selectors present, shall immediately declare aloud the name of the person thus balloted.

(b). And thereupon the name and addition of the person 20 whose name has been so selected, shall be written down on a

sheet of paper provided for that purpose.

(c). Which being done, the selectors shall proceed in like manner to ballot and dispose of other numbers from the said box, or urn, until the necessary number has been completed.

S. 22 of Jurors' Act repealed, and new section substituted.

11. The twenty-second section of the said Jurors' Act is hereby repealed, and the following substituted therefor:—

22. The selectors shall make the distribution among the four divisions, so that each division shall contain the number of names required by the County selectors to be returned for 30 such division, from the Municipality.

S. 46 of Jurors' Act repealed and new section substituted.

12. The forty-sixth section of the said Jurors' Act is hereby repealed, and the following substituted therefor:—

46. The County selectors shall be the selectors of Jurors from the Jurors' Rolls, within their respective Counties.

SS. 52 and 53 of Jurors' Act repealed, and new section substituted.

- 13. The fifty-second and fifty-third sections of the said Jurors' Act are hereby repealed and the following substituted therefor:—
- 52. The number to be selected from the Jurors' Rolls for a Jury List, according to the provisions of the preceding Section, 40 shall be the number of Grand Jurors and Petit Jurors for the Superior Courts and Inferior Courts respectively, that the County selectors have determined to be requisite for the year.

County selectors to determine the number of Petit Jurors to be drafted and returned to each court.

14. The County selectors shall by resolution determine the number of Petit Jurors' to be drafted and returned to any sit-45 tings of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court, for the current or ensuing year; and it shall be the duty of the Clerk of the Peace forthwith, thereafter, to transmit to the Clerk of the Crown, of the Court of Common Pleas at Toronto, and 50 to the Clerk of the County Court, a certified copy of such resolution, and such officers shall keep the same on file in their respective offices.

Power to 15. The County selectors may amend any of their resolutions, amend resolutions, and either increase or decrease the number of jurors to be selected 55

and returned by the Municipalities, the number to be selected by such County selectors or the number of Petit Jurors to be drafted and returned to any sittings of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the 5 Peace, or County Court, and in such case due notice thereof shall be given by the Clerk of the Peace, to the proper parties.

16. The Judges, Justices and others, to whom the holding of Judges to issue any sittings of Assize and Nisi Prius, Oyer and Terminer, Gaol precepts to the

10 Delivery, General Sessions of the Peace, or County Court by law belongs, or some one or more of such Judges, Justices or others may for that purpose issue precepts to the Sheriff or other proper officer for the return of a competent number of Grand Jurors, for eases criminal for such sittings, and of such 15 number of Petit Jurers as the County selectors of Jurers shall have determined, as the number to be drafted and returned for the trial of such issues or other matters of fact, in cases eriminal and civil as it may be competent to such Petit Jurors to try at such sittings, according to law. Nothing in this Act

20 contained, shall prevent such Judges, Justices or others, issuing such precept or precepts, from requiring in and thereby the return of any number of Petit Jurors greater than the number so determined, if in his or their opinion the same may be required, but they shall have, possess and exercise all such rights

25 and powers in that behalf as they had prior to the passing of this Act.

17. The Judge of the County Court for the County after Judge of the issue of the precept to the Sheriff, may at any time prior County Court may order adto the day appointed for the sittings of Assizes and Nisi Prius, ditional jurors.

30 or of the Courts of Over and Terminer, and Gaol Delivery, if it appears to him expedient, by order under his hand and seal, and the presiding Judge may at any time, before or during the sittings of such Court by order under his hand and seal direct the Sheriff to return any additional number of Petit Jurors to 35 such sittings of Assize, Over and Terminer, and Gaol Delivery.

2. And the Judge of the County Court, or Chairman for the time being of the General Sessions of the Peace, after the issue of the precept may, at any time prior to or during the sittings of the County Court or General Sessions of the Peace, 40 by order under his hand and seal, direct the Sheriff to return an additional number of Petit Jurors to the sittings of such

County Court or General Sessions of the Peace.

3 The Sheriff shall upon the receipt of any such order proceed forthwith to draft such additional number of Jurors in 45 the manner provided by "The Jurors' Act," and shall add their names to the panel, and shall forthwith thereafter proceed to summon them.

18. The number of Petit Jurors to be returned on any Number of general precept, for the return of Petit Jurors for any sittings Petit Jurors to be returned. 50 of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court shall be the number determined by the County selectors, unless by the direction of the Judges appointed to hold such sittings of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, 55 General Sessions of the Peace, or County Court, or one of them, who may by order or precept, under hand and seal,

Judge may order greater or lesser number.

direct that a greater or lesser number shall be the number to be returned—or unless the Judge of the County Court shall as hereinbefore provided otherwise order.

Section 91 of Jurors' Act amended.

19. The following shall be added to the ninety-first section of said Jurors' Act :-

"But when the Sheriff shall be directed to draft and summon additional Jurors under the provisions of this Act, such eight days' service shall not be necessary."

Section 145 of Jurors' Act amended.

20. The one hundred and forty-fifth section of The Jurors' Act is amended by striking out the words "three dollars" in 10 the third line thereof, and substituting therefor the words "five dollars," and by striking out the words "one dollar and fifty cents" in the fourth and fifth lines thereof, and substituting therefor the words "three dollars."

Section 151 of Jurors' Act

21. The one hundred and fifty-first section of The Jurors' 15 Act is hereby amended by striking out the words "for the payment of Jurors," and by substituting therefor the words "for the payment, summoning, drafting, and selecting of Jurors."

Section 155 of Jurors' Act amended.

22. The following shall be added to the one hundred and 20 fifty-fifth section of the said Jurors' Act:—

And the Clerk of the Peace shall be paid for his attendance at the meeting of the County selectors the same fees as a County selector.

Section 169

23. Sub-section seven of the one hundred and sixty-ninth 25 of Jurors' Act amended section of the Juror's Act is amended by adding after the word "information," in the seventh line thereof, the following:—"And every such action shall be tried by the Judge sitting alone, and without the intervention of a Jury, and when the same has been commenced in the County Court 30 the Judge of such County Court shall upon the application of either party thereto by his order direct that the same shall be tried at the Assizes, and the Record may thereafter be entered and the action tried at the Assizes:

Amendments to be read as

24. The amendments hereby made shall be and shall be 35 part of Jurors' construed and read as part of the "Jurors' Act."

Section 156 of Jurors' Act amended.

25. There shall be added to the second sub-section of section one hundred and fifty-six the words (but one certificate for all the selectors for each Municipality shall be given); and the fifth sub-section of said section one hundred and fifty-six is 40 hereby repealed.

SS. 6, 50, 62, and 66 of Jurors' Act repealed.

26. Sections six, fifty, sixty-two and sixty-six of the Jurors' Act are hereby repealed.

Drafting Jurors for present year.

27. Notwithstanding this Act and the repeal of the various sections thereby repealed the persons whose names have been 45 selected and returned to the Clerk of the Peace for the year in which part number one shall come into force shall form the Jurors roll for such year, and the County Selectors shall select the Jury Lists therefrom and the Panels shall be drafted from

such Jury Lists until new Jury Lists shall be completed under this Act; and the Jurors so drafted shall serve as Jurors as though this Act had not been passed.

PART No. 2.

- 28. The precepts to the Sheriff for the return of Grand Number of 5 Jurors for the sittings of the Court of Oyer and Terminer Grand Jurors. and General Gaol Delivery, shall command the return of thirteen of such Grand Jurors and no more, and the panel of Grand Jurors for any of the aforesaid courts shall consist of thirteen Grand Jurors instead of twenty-four as heretofore.
- 10 29. The assent of at least seven of such panel of Grand Assent of Jurors shall be required to find a Bill or information.

 Assent of even required.
- 30. The word "thirteen" shall be substituted for the words Schedule B of "twenty-four" wherever the latter words occur in Schedule B. Jurors' Act.

 15 to the Jurors' Act.
 - 31. Part number two shall not come into force until a day Operation of to be named by the Lieutenant-Governor by his proclamation. postponed.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL,

An Act to Amend the "Jurors' Act."

First Reading, 6th February, 1879.

MR. HARDY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to Amend the Jurors' Act.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:--

1. The third section of the Jurors' Act, Chapter forty-eight of S. 3 of Jurors' 5 the Revised Statutes of Ontario, is hereby repealed, and the Act repealed

following is substituted therefor.

"3. Unless exempted, every person residing in any County or Qualification. other local Judicial division in Ontario, who is over the age of

twenty-one years, and in the possession of his natural faculties, 10 and not infirm or decrepid, and who is assessed as owner or tenant for local purposes upon property, real or personal, belonging to him in his own right, or in that of his wife, of the value of not less than six hundred dollars in Cities, and four hundred dollars in Towns, Incorporated Villages and

15 Townships, shall be qualified and liable to serve as a Juror, both on Grand and Petit Juries, in Her Majesty's Superior Courts of Common Law, having general Criminal or Civil jurisdiction throughout Ontario, and in all Courts of Civil or Criminal jurisdiction within the County or other local judicial

20 division of the County in which he resides;

2. Provided nevertheless, that in Townships wherein the Exception in Certain Townships amount of property in respect of which a person would be qua-ships. lified and liable to serve as a juror if ascertained, under and in the manner provided by section six of the Jurors' Act, would 25 be less than is by this section hereinbefore prescribed in that behalf, the amount of property in respect of which a person shall be so qualified and liable to serve as a Juror shall in such Townships be ascertained and determined under and in the manner provided by said section six, and except as to such 30 townships the said section six shall not hereafter be in force.

2. Section eight of the said Act is hereby repealed, and the S. 8 of Jurors' lowing section is substituted therefore. tollowing section is substituted therefor:-

8. Every member of the Senate and House of Commons and section of the Legislative Assembly of this Province, every Warden substituted. 35 and every member of any County Council, every Mayor, Reeve, or Deputy Reeve of any city, town, township, or village, every Justice of the Peace and every other member and officer of any municipal corporation, is hereby absolutely freed and exempted from being selected by the selectors of jurors herein-40 after mentioned to serve as a grand or petit juror in Her Majesty's Inferior Courts, and none of the names of any such persons shall be inserted in the rolls from which jurors are to be

and new

taken for such purposes, and if any such name be at any time accidentally inserted in any such roll, it shall, if drawn in selecting any jury list or drafting any panel therefrom for such Inferior Courts, be set aside and not inserted therein.

County selec-

3. The senior Judge of the County Court, the junior Judge 5 thereof, the Mayor of any City situate in any such County, the Warden, the Treasurer, the Sheriff, or in his absence the deputy Sheriff of the County, any three of whom shall be a quorum, shall be ex-officio selectors of Jurors, from the Jurors' Rolls within their respective Counties, and may be known as 10 "County selectors." In case of an equality of votes amongst the selectors present upon any question which may arise, the County Judge, if present, or in his absence the Junior Judge, shall have a double or casting vote in the decision of the question.

a selector, when.

County Clerk 4. When the County Treasurer is a practising solicitor, at-15 torney or barrister, he shall be disqualified from acting as a County Selector, and in such case the Clerk of the County Council shall be a County Selector in his place and stead.

Annual Meeting of County selectors.

5. The County selectors for each County shall assemble annually at the office of the Clerk of the Peace, on the fifteenth 20 day of September, or if such day be a Sunday or statutory holiday, then on the first day thereafter, not being such holiday, for the purpose of determining the number of Jurors both Grand and Petit, and for the Superior and Inferior Courts respectively, which shall be returned by the local Municipalities, to the 25 Clerk of the Peace, for service as Jurors during the ensuing year, and the Clerk of the Peace shall attend the meeting of such selectors, and, in a book to be kept for the purpose, shall enter their proceedings and resolutions; but he shall have no voice in the selection of Jurors, and shall in no case advise 30 or express an opinion whether any name ought to be placed upon or omitted from the Jury list.

Determinanumber of year.

6. The County selectors shall at such meeting, by resolution, first determine and declare the number of Jurors, both Grand Jurors for the and Petit respectively, that will be required for service at the 35 several sessions of the Courts during the ensuing year, and shall fix the total number of names of Jurors, Grand and Petit, respectively, and for the Superior and Inferior Courts respectively, which the local Municipalities shall return at three times the number declared by the resolution to be required. 40

pality.

7. The County selectors shall then, by resolution, determine Determination of number the number of names of such Grand and Petit Jurors respection of number the number of names of such Grand and Petit Jurors respection of number the number of names of such Grand and Petit Jurors respection of number the number of names of such Grand and Petit Jurors respection of number the number of names of such Grand and Petit Jurors respectively. of jurors from tively, for Superior and Inferior Courts respectively, to be returned by each local Municipality in the County, and the number of names of persons on the Voters' lists of each Munici- 45 pality, marked as qualified to serve on juries, shall form an approximate basis for such division; and the Clerk of the Peace shall preserve, and at such meeting produce for the use of the County selectors, the Voters' lists, delivered to him by the Clerks of the several Municipalities under the provisions of the Voters' lists Act, or duly certified copies of such lists.

County selectors to choose letter for each force the County selectors shall, by resolution, determine Municipality.

at which letter of the alphabet the selectors for each Municipality within the County shall begin in making their first selection, and so far as may be practicable, they shall choose for each of such Municipalities a different letter of the 5 alphabet.

9. The Clerk of the Peace shall within five days after the Clerk of the meeting of the County selectors, notify in writing the Clerk of Peaceto notify each local Municipality in the County, of the number of names local Municipality of Grand and Petit Jurors respectively, required to be returned palities. 10 from the Municipality for which he is Clerk, for service in the Superior and Inferior Courts respectively; Wand the first year

after this Act shall come into force, he shall at the same time notify such clerk of the letter of the alphabet at which it has been determined he and his co-selectors shall 15 begin, 🖼

10. The words "the first day of September," where they Amendments occur in sections fourteen and seventeen of the Jurors' Act, are to ss. 14, 17, repealed, and the words "the tenth day of October" are substituted therefor; and the words "the fifteenth day of the said 20 month of September," where they occur in the third sub-section of the twenty-third section, and the words "the fifteenth day of September," where they occur in the twenty-fifth section of said Jurors' Act, are repealed and the words "the twenty-fifth day of October" are substituted therefor.

11. The eighteenth section of the said Jurors' Act is hereby S. 18 of pealed, and the following is substituted in lieu thereof:

Jurors' Act
repealed, and
18. The selectors for each Municipality shall, from the new section repealed, and the following is substituted in lieu thereof: certified voters' list for the Municipality for the year if such substituted. list has been certified, or if the same has not been certified,

30 then from the list for the year published by the Clerk of the Municipality, or if no such list has been published then from the last certified list, or if there is no certified list for the Municipality then from the assessment roll, write down on one or more sheets of paper provided for that purpose, twice as

35 many names of persons appearing by the Assessment Roll to be possessed of the requisite property-qualification and otherwise duly qualified to serve on juries, as have been required by the County selectors to be selected and returned from the Municipality; and the proper assessment roll shall in all cases be

40 referred to by the selectors for the purpose of determining who are exempt or disqualified from acting as Jurors and for such other purposes as are necessary in the discharge of their duty as selectors.

2. The Clerk of the Municipality shall for the purposes of 45 this section, bring with him and produce to the selectors the proper Voters' List and Assessment Roll,

3. The first year after this Act shall come into force, the selectors for each Municipality respectively shall commence with those persons whose surnames begin with the letter

50 of the alphabet determined upon for such Municipality by the County selectors; and shall then, and thereafter from year to year in making the selection, proceed from letter to letter in alphabetical order, and shall write down the names consecutively in alphabetical order of all those persons qualified to serve on

55 juries and not exempt by law, until twice the total number required to be returned from the Municipality of persons duly qualified shall be obtained; and at each subsequent annual meeting the selectors for the Municipality shall begin at the letter next to that at which they left off the preceding year, and so on in alphabetical order, until they shall have gone through all the remaining letters of the alphabet, when 5 they shall again begin with the letter "A."

4. In the event of such selectors obtaining the names of a sufficient number of duly qualified persons after they have entered upon, but not before they have exhausted the entire number of those qualified under any one letter, they shall at 10 the next annual selection commence at the beginning of such letter, but shall not select the names of any persons returned the preceding year. The selectors shall select at least twothirds of the persons whose names they have so written down, namely the two-thirds thereof in their opinion the best quali- 15 fied to serve on juries, and shall place a number opposite each name of the said two-thirds so selected.

5. The selectors shall make out and return to the Clerk of the Peace the names of the persons so selected in alphabetical 20

order.

show persons qualified to serve as Jurors.

Voters lists to 23 12. In order to facilitate the selection of Jurors, the Clerk shall, in making out the voters' list, in the column containing the number of the voter on the roll or in a separate column provided for the purpose beside the same, write or mark the letter J upon the voters' list opposite the name of every male 30 person over twenty-one and under sixty years of age who by such roll appears to possess the property qualification requisite to qualify him to serve as a juror. And such voters' list shall show, at or near the end thereof, the aggregate number of names of persons upon such list qualified to serve on juries; and it 35 shall not be necessary for the selectors to refer to any name on the assessment roll which has not the letter J opposite it in the voters' list, unless the selectors suspect that some names are not properly marked, but this section shall not apply to townships where the qualification is ascertained under the sixth 45 section of the Jurors' Act.

2. In Townships where the qualification of Jurors is governed by the sixth section of the Jurors' Act, the Clerk shall ascertain in the manner prescribed by the said sixth section of the said Jurors' Act, the number of persons in such Town- 40 ship who are qualified to serve on juries, and shall at or near the end of the Voters' List certify the number of persons so

qualified.

S. 20'of Jurors' Act repealed and new section substituted. Jurors to be selected by ballot.

13. Section twenty of the Jurors' Act is hereby repealed and the following substituted therefor:-45

20. The selectors shall then prepare a set of ballots, on pieces of parchment or paper of uniform and convenient size, containing the same number of ballots as there are names selected. allowing one name to each ballot, and such ballot shall be numbered to correspond with the numbers opposite the names of 50 the two-thirds selected, and the selectors shall then proceed to ballot for jurors the number required to be selected from such municipality by the county selectors.

2. The Clerk of the Municipality shall, in a book to be kept for that purpose, enter the dates of the meetings of such selectors 55 for the Municipalities, the persons present thereat and taking

part therein, and the letters of the alphabet from which the selections of names of persons are from year to year made.

3. The manner of balloting shall be as follows:—

Manner of balloting.

(a). The selectors, or one of them shall place the ballots, cor-5 rectly numbered, promiseuously in a box or urn, to be by them procured for that purpose, and shall cause said box or urn to be shaken so as sufficiently to mix the ballots, and shall then openly draw from the said box or urn indiscriminately, one of said ballots, and declare openly the number on such ballot, where-

10 upon the clerk or one of the selectors present, shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the list.

(b). And thereupon the name and addition of the person whose name has been so selected, shall be written down on a

15 sheet of paper provided for that purpose.

(c). Which being done, the selectors shall proceed in like manner to ballot and dispose of other numbers from the said box, or urn, until the necessary number has been completed.

14. The twenty-second section of the said Jurors' Act is S. 22 of Jurors' hereby repealed, and the following substituted therefor:—

22. The selectors shall make the distribution among the tion substifour divisions, so that each division shall contain the number tuted. of names required by the County selectors to be returned for 25 such division, from the Municipality.

15. The forty-sixth section of the said Jurors' Act is here- S. 46 of Jurors' Act repealed by repealed, and the following substituted therefor:— 46. The County selectors shall be the selectors of Jurors tion substituted.

30 16. All the words in the second sub-section of section Part of Sub-s. forty-eight of said Act after the words "at such court," in the 2 of s. 48 repealed. fifth line thereof, are hereby repealed.

from the Jurors' Rolls, within their respective Counties.

17. The forty-ninth section of said Act and sub-sections S. 49 and subone, two, three, four, five, and six thereof are hereby repealed, repealed and

35 and the following substituted therefor:

substituted.

(49.) The last mentioned selectors of jurors shall then proceed to select from the jurors' rolls the names of the requisite number of persons to serve as jurors for such year who, in the opinion of the selectors or of a majority of them, are, from the

40 integrity of their characters, the soundness of their judgment and the extent of their information, the most discreet and competent for the performance of the duties of jurors, and in making such selection the selectors may, if they think fit, select a proportion of the names for each jury list from each local 45 municipality.

2. The selectors shall first proceed to select the grand jury list for the Superior Court, and when they or a majority of them have decided upon the selection of any person named on the jury rolls, the names and additions at length of such per-

50 son shall, by the Clerk of the Peace, be forthwith inserted in the Minute-Book of the Court, unless good cause why the same should not be so entered shall be shown; and in order to determine the question, evidence may be taken by the selectors upon oath, and in such case a minute of the evidence shall be

55 taken and entered in the Minute-Book of the Court.

18. The fifty-second and fifty-third sections of the said of Jurors Act Jurors' Act are hereby repealed and the following substituted repealed, and therefor:

substituted.

52. The number to be selected from the Jurors' Rolls for a Jury List, shall be the number of Grand Jurors and Petit Jurors for the Superior Courts and Inferior Courts respectively, that the County selectors have determined to be requisite for the year.

Jurors to be drafted and returned to each court.

tors to deter-mine the num-ber of Petit Jurors to be drafted and returned to any sit-ber of Petit tings of Assize and Nisi Princ Orange In Delivery, General Sessions of the Peace, or County Court, for the current or ensuing year; and it shall be the duty of the 10 Clerk of the Peace forthwith, thereafter, to transmit to the Clerk of the Crown, of the Court of Common Pleas at Toronto, and to the Clerk of the County Court, a certified copy of such resolution, and such officers shall keep the same on file in their respective offices.

Power to amend resolutions.

20. The County selectors may amend any of their resolutions, and either increase or decrease the number of jurors to be selected and returned by the Municipalities, the number to be selected by such County selectors or the number of Petit Jurors to be drafted and returned to any sittings of Assize, Nisi Prius, 20 Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court, and in such case due notice thereof shall be given by the Clerk of the Peace, to the proper parties.

Judges to issue precepts to the Sheriffs.

21. The Judges, Justices and others, to whom the holding of 25 any sittings of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court by law belongs, or some one or more of such Judges, Justices or others may for that purpose issue precepts to the Sheriff or other proper officer for the return of a competent number of 30 Grand Jurors, for cases criminal for such sittings, and of such number of Petit Jurors as the County selectors of Jurors shall have determined, as the number to be drafted and returned for the trial of such issues or other matters of fact, in cases criminal and civil as it may be competent to such Petit Jurors 35 to try at such sittings, according to law. Nothing in this Act contained, shall prevent such Judges, Justices or others, issuing such precept or precepts, from requiring in and thereby the return of any number of Petit Jurors greater than the number so determined, if in his or their opinion the same may be re- 40 quired, but they shall have, possess and exercise all such rights and powers in that behalf as they had prior to the passing of this Act.

Judge of County Court for the Judge of the County Court for the issue of the precept to the Sheriff, may at any time prior 45 ditional jurors. to the day appointed for the sittings of Assizes and Nisi Prius, or of the Courts of Oyer and Terminer, and Gaol Delivery, if it appears to him expedient, by order under his hand and seal, and the presiding Judge may at any time, before or during the sittings of such Court by order under his hand and seal direct 50 the Sheriff to return any additional number of Petit Jurors to such sittings of Assize, Öyer and Terminer, and Gaol Delivery.

2. And the Judge of the County Court, or Chairman for the time being of the General Sessions of the Peace, after the issue of the precept may, at any time prior to or during the 55 sittings of the County Court or General Sessions of the Peace, by order under his hand and seal, direct the Sheriff to return an additional number of Petit Jurors to the sittings of such

County Court or General Sessions of the Peace.

3 The Sheriff shall upon the receipt of any such order proceed forthwith to draft such additional number of Jurors in the manner provided by "The Jurors' Act," and shall add their names to the panel, and shall forthwith thereafter proceed to summon them.

23. The number of Petit Jurors to be returned on any Number of general precept, for the return of Petit Jurors for any sittings to be returned. of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court shall be the

number determined by the County selectors; unless by the 15 direction of the Judges appointed to hold such sittings of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court, or one of them, who may by order or precept, under hand and seal, direct that a greater or lesser number shall be the number to Judge may 20 be returned—or unless the Judge of the County Court shall order greater or heroin before greater or lesser as hereinbefore provided otherwise order.

24. The following shall be added to the ninety-first sec- S. 91 of tion of said Jurors' Act:—

"But when the Sheriff shall be directed to draft and summon 25 additional Jurors under the provisions of this Act, such eight days' service shall not be necessary."

25. The one hundred and fifty-first section of The Jurors' S. 151 of Act is hereby amended by striking out the words "for the Jurors' Act amended." payment of Jurors," and by substituting therefor the words 30 "for the payment, summoning, drafting, selecting and enrolling of Jurors.

26. The following shall be added to the one hundred and S. 155 of # = 1 fifty-fifth section of the said Jurors' Act:-

Jurors' Act amended.

And the Clerk of the Peace shall be paid for his attendance 35 at the meeting of the County selectors the same fees as a County selector.

27. Sub-section seven of the one hundred and sixty-ninth S. 169 section of the Juror's Act is amended by adding after Act amended. the word "information," in the seventh line thereof, the 40 following:—"And every such action shall be tried by the Judge sitting alone, and without the intervention of a Jury, and when the same has been seventhed. and when the same has been commenced in the County Court the Judge of such County Court shall upon the application of either party thereto by his order direct that the same shall be 45 tried at the Assizes, and the Record may thereafter be entered and the action tried at the Assizes.

28. This Act shall be and shall be construed and read as Amendments part of the "Jurors' Act."

to be read as

29. There shall be added to the second sub-section of section S. 156 of 50 one hundred and fifty-six the words "but one certificate for all amended." the selectors for each Municipality shall be given;" and the fifth sub-section of said section one hundred and fifty-six is hereby repealed.

SS. 6, 50, 62, 66, 158 and sub-s. 5 of s. 157 Jurors'-Act repealed.

30. Sections fifty, sixty-two, sixty-six and one hundred and fifty-eight, and the fifth sub-section of one hundred and fiftyseven of the Jurors' Act are hereby repealed.

Drafting Jurors for present year.

31. Notwithstanding this Act and the repeal of the various sections thereby repealed the persons whose names have been selected and returned to the Clerk of the Peace for the year in which this Act shall come into force shall form the Jurors' roll for such year, and the County Selectors shall select the Jury Lists therefrom and the Panels shall be drafted from such Jury Lists until new Jury Lists shall be completed under this Act; and the Jurors so drafted shall serve as Jurors as 10 though this Act had not been passed.

PRINTED BY C. BLACKETT ROBINSON Second First Reading, An Act to Amend the Jurors' Act Reprinted as Amended.) TORONTO: February, 1879. MR. HARDY

Session, 3rd Parliament, 42 Vic., 1879.

No. 98.

4th

An Act to amend the Act respecting the income and property of the University of Toronto, University College, and Upper Canada College.

WHEREAS it is expedient to provide that all appropriations from the Permanent Fund for the support of the University of Toronto, University College, and Upper Canada College, shall be subject to the approval of the Legislative 5 Assembly of the Province of Ontario.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Untario, enacts

as follows :-

1. The eighteenth section of chapter two hundred and eleven 10 of the Revised Statutes of Ontario, is hereby amended by add-

ing thereto the following words:-

"Provided, however, that every order in council directing payment from the said Permanent Fund, under this section, shall, as soon as conveniently may be after the making of the 15 same, be laid before the Legislative Assembly of the Province of Ontario for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly."

An Act to amend the Act respecting the income and property of the University of Toronto, University College, and Upper Canada College.

First Reading, 6th February, 1879.

Mr. Scott.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 100.]

BILL.

[1879.

An Act respecting Investments of Trust Funds.

TER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:-

1. When a trustee, executor or administrator, shall not, by Trustees may 5 some instrument creating his trust, be expressly forbidden to invest in Building Soinvest any trust fund on permanent stock or debentures of any ciety Stocks or Permanent Building Society having a capitalized, fixed and Debentures. permanent stock not liable to be withdrawn therefrom, amounting to at least two hundred thousand dollars, and 10 which by its by-laws limits its investments to loans on mortgages of real estate, such trustee, executor or administrator may invest such trust fund on such stock or debentures, and he shall not be liable on that account as for a breach of trust, provided that such investment shall in other respects be rea-15 sonable and proper.

PILL

An Act respecting Investments of Trust Funds.

First Reading, 6th February, 1879.

MR. MEREDITH.

No. 100.]

BILL.

T1879.

An Act respecting Investments of Trust Funds.

ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:-

1. Any trustee, executor or administrator, if not, by the Trustees may instrument creating his trust, expressly forbidden to do so, may invest in Debentures of 5 invest any trust fund in debentures of any Society or Company certain Comincorporated under chapter one hundred and sixty-four of the panies. Revised Statutes of Ontario or any act incorporated therewith, having a capitalized, fixed and permanent stock not liable to be withdrawn therefrom, amounting to at least one hundred thou-10 sand dollars, and he shall not on account of the investment be liable as for a breach of trust, provided that such investment shall in other respects be reasonable and proper, and that the debentures are registered and transferable only on the books of such Society or Company in his name as trustee for the parti-15 cular trust estate for which they are held.

2. This Act shall not come into operation until the first day Time Act to of January, one thousand eight hundred and eighty, and shall take effect. not apply to any instrument creating a trust executed before 20 that day.

Fourth Session, Third Parliament, 42 Vic., 1879

BILL.

An Act respecting the Investment of Trust Funds.

(Reprinted us Amended.)

First Reading, 6th February, 1879.
Second " 10th " 1879.

MR. MEREDITH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize certain variations in deeds to Trustees for Religious Institutions.

ER MAJESTY by and with the advice and consent of R. S. O. c. 216, the Legislative Assembly of the Province of Ontario, 41 Vic. c. 25. enacts as follows:-

1. Any congregation or society of Christians entitled to the Number of 5 benefit of any lands held under the provisions of the Statutes trustees may be varied. respecting the Property of Religious Institutions or otherwise may, by resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment of trustees, increase or decrease the number of trustees by such deed or 10 otherwise to be appointed for the purpose of holding such lands; or may in like manner fix the number of trustees in case the deed makes no provision as to their number.

2. No such resolution shall be passed unless the said meet. Notice of ing has been duly notified in the same manner as a meeting for meeting required. 15 the election of trustees for such lands is required to be notified, or unless notice has been given at the time of such notification that a proposal for increasing (or decreasing or determining, as the case may be) the number of the trustees, will be considered at such meeting.

3. In case the resolution passed provides for the appointment Time when of more trustees than are authorized by the deed, or more than variation to take effect. there are in fact if the number is not limited by the deed, the same shall take effect forthwith; and the additional trustees to be appointed may be elected at the meeting at which the reso-25 lution is passed or at a subsequent meeting. If the resolution provides for a smaller number of trustees than the deed provides for, then such resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees to the number previded for by such resolution; and no 30 other trustees shall be appointed under the authority of this Act until the number of trustees has been reduced as aforesaid below the number authorized by the resolution.

4. A record of the proceedings of such meeting shall be made Record of proout in writing, and entered and transcribed in the minute ceedings. 35 book or other official register of the acts and proceedings of such congregation or society, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the chair- Copy to be man or secretary, on oath (or affirmation) before a Justice of registered. the Peace, may be recorded in the Registry Office of the County

or other Registration Division in which the property is situate.

prima faci evidence.

5. A copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the Registrar of the Registration Division wherein the same has been registered according to this section, 5 hall be prima facie evidence of the contents thereof.

Authority to mortgage.

6. The authority conferred by the said Statutes to mortgage land as security for a debt which has heretofore been or shall be hereafter contracted for the building, repairing, extending or improving of a church, meeting house, chapel, book store, 10 printing office or other building on land held for the benefit of any religious society, is extended to any land so held although the church or other building in respect of which the debt is contracted is not erected on the said land.

First Reading, 6th February, 1879.

deeds to authorize certain variations in to Trustees for Religious Institu-

TORONTO:

Fourth Session, Third Parliament, 42 Vic. 1879

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the power of Mechanics' Institutes and Library Associations to deal with their Real 1 state.

WHEREAS doubts have been raised in respect to the power Preamble. of Mechanics' Institutes and other Associations incorporated or acting under the provisions of the Revised Statute respecting Library Associations and Mechanics' Institutes, to sell 5 or mortgage real estate held by such Associations; and it is desirable to remove any such doubts, and to define the mode by which the assent of the members of the Association to any proposed sale or mortgage, may be testified.

Therefore Her Majesty, by and with the advice and con-10 sent of the Legislative Assembly of the Province of Ontario,

enacts as follows :-

1. In case a resolution authorizing or recommending the Manner of 1. In ease a resolution authorizing of recommending the authorizing sale or conveyance by way of mortgage of any real estate be-authorizing sales and mortlonging to any Association, incorporated or lawfully acting gages. 15 under the provisions of the said Statute, is passed by two-thirds of the Directors or Trustees of such Association, and is at any time within six months thereafter, approved by a vote of the majority of the members of such Association entitled to vote under its by-laws, present at an annual meeting, or at any 20 general meeting duly called in accordance with the provisions of its said by-laws in respect of the calling of general meetings, the Directors or Trustees may sell and convey such real estate, or may convey the same by way of Mortgage in security for any moneys borrowed for the purposes of the Association.

- 2. In the notice calling any annual or general meeting, at Purpose of which it is proposed to submit for approval such a resolution, it meeting to be stated in notice 25 shall be stated that a resolution authorizing or recommending calling same. the selling or mortgaging of such real estate will be submitted at the said meeting for approval.
- 3. Every conveyance, whether absolute or by way of Mode of exe-30 mortgage, executed in pursuance of this Act, shall be executed cuting conveyby the President and Secretary of the Association, if such Association has under its by-laws a President and Secretary; or if the by-laws of the Association do not provide for the ap-35 pointment of these officers, then by the majority of the Trustees or Directors; and every such conveyance shall be under the Corporate seal of the Association.
 - 4. In case a conveyance executed under this Act recites Recital to be the resolution of the Directors and Trustees, and the proceed-prima facie

ings taken with reference thereto, such recital shall be prima facie evidence of the passing of such resolution, and of the action taken in respect thereof.

Certain conveyances confirmed.

5. Every conveyance, either absolute or by way of mortgage, of any real estate of any Association incorporated under 5 the said Act or acting thereunder, heretofore made and executed by the President of the Association, or by the majority of the Directors or Trustees, acting under the authority of a resolution of a general meeting of the Association, or of a resolution of the Directors or Trustees, shall, if the consideration has 10 been substantially applied for the purposes of the Association, be held to be valid and effectual.

First Reading, 6th February, 1879.

An Act respecting the power of Mechanics' Institutes and Library Associations to deal with their Real Estate.

Fourth Session, Third Parliament, 42 Vic. 1879.

The ATTORNEY-GENERAL.

An Act to amend the Act respecting Coroners.

WHEREAS it is expedient that in all cases where inquests are held by County Coroners, upon bodies of deceased persons who have come by their deaths within cities, that the allowance to medical practitioners who have been summoned 5 by the Coroner to attend the inquest, should be borne by the city in which the inquest is held.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario,

enacts as follows:-

10 1. The Revised Statutes of Ontario, chaptered seventynine, section nine, be amended by striking out all the words of
the said section after the word "same" in the ninth line thereof, and inserting the following words in lieu thereof, "And the
Coroner shall make his order on the treasurer of the county or
15 city in which the inquest is holden, in favour of such medical
practitioner, for the payment of such fees or remuneration, and
such treasurer shall pay the sum mentioned in such order to
such medical witness, out of any funds he may then have in
the Count y or City Treasury."

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Act relating to Coroners.

First Reading, 7th February, 1879.

MR. MONK.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 103.]

BILL.

[1879.

An Act to amend the Act respecting Coroners.

WHEREAS it is expedient that in all cases where inquests Preamble. are held by County Coroners, upon bodies of deceased persons who have come by their deaths within cities, that the allowance to medical practitioners who have been summoned by the Coroner to attend the inquest, should be borne by the city in which the inquest is held.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario,

10 enacts as follows:-

1. The Revised Statutes of Ontario, chaptered seventy-R. S. O. c. 79, nine, section nine, is amended by striking out all the words s. 9 amended. of the said section after the word "same" in the ninth line, and inserting the following words in lieu thereof, "And the Coroner shall make his order on the treasurer of the county when the inquest is held in the County, and on the treasurer of the city when death occurs, and the inquest is held in a city, in favour of such medical practitioner, for the payment of such fees or remuneration, and such treasurer shall pay the 20 sum mentioned in such order to such medical witness, out of any funds he may then have in the County or City Treasury."

Fourth Session, Third Parliament, 42 Vic. 1879.

BILL.

An Act to amend the Act relating to Coroners,

First Reading, 7th January, 1879.
Second " 14th February, 1879.

(Reprinted as Amended.)

MR. MONK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Municipal Act.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. The following sub-sections are added to section twenty R. S. O., c 5 of the Revised Statutes of Ontario, chaptered one hundred and amended.

seventy-four.

1. In ease one hundred or more ratepayers of a City or Town, Reduction of assessed on the Assessment Roll to the extent of one-eighth of number of wards in cities

the whole assessed value, do, on or before the first day of July and town: 10 in any year, petition the Council to submit a By-law to the qualified municipal voters, for reducing the number of wards into which the said City or Town is divided, to the number specified in said petition, or the number of representatives of each ward, as the case may be.

2. The Council shall, without delay, submit a By-law to the said voters, whereby the said City or Town will be redivided into the number of wards, or the reduction of the number of representatives for each ward, as the case may be, prayed for

in said petition,

Provided always that the said Council, in redividing the wards as aforesaid, shall pay due regard to the equality of the new wards, always taking into consideration the population, the assessed value, and natural boundaries.

3. The vote shall be taken viva voce, in the same manner as 25 at the Municipal Elections in 1865, and if in the affirmative, the By-law shall come into force at the next general Municipal

Election thereafter.

4. The formalities as to notice of the By-law and the holding of the election thereon, shall be the same as were then required, 30 for the submission of a By-law for raising money by debentures, not payable within the Municipal year.

2. Section number seventy-four of the said Act is repealed Sec. 74 repeal-

and the following substituted in lieu thereof:

No Judge of any Court of Civil Jurisdiction, no Gaoler, Disqualifica-35 Turnkey, or keeper of a House of Correction, no Sheriff, tion of mem-bers of coun-Deputy-Sheriff, Sheriff's Bailiff, High Bailiff, Division Court cils. Bailiff, no License Inspector shall be qualified to be a member of any Municipal Corporation. No Police Magistrate, Chief Constable, or Police Constable of any City or Town, no 40 Assessor, Assessment Commissioner, Collector, Treasurer or

Clerk of any Municipality, no Inn-keeper or Saloon-keeper, or Shop-keeper licensed to sell spirituous liquors by retail, no person having, by himself or his partner, an interest in any contract with or on behalf of the Corporation shall be qualified

45 to be a member of the Council of the Municipal Corporation.

Sec. 247 amended. 3. The following be added to section two hundred and forty-seven of the said Act as sub-section one:

Appointment of deputy treasurer.

1. Every Treasurer may appoint under his hand and seal a deputy who shall be competent to do all acts required of the Treasurer, and for whose acts the Treasurer and his sureties 5 shall be liable, and in case of the death of the Treasurer, shall hold office until the first meeting of the Council thereafter.

Provided always that in ease of the death or incompetency of a County Treasurer who has not appointed a deputy, the Warden for the time being may, by Warrant under his hand 10 and seal, appoint a Treasurer pro tem for a special purpose or purposes, who shall hold office until the next meeting of the Council, and all acts performed by him authorized by said Warrant shall be as valid and binding as if performed by a Treasurer regularly appointed.

Sec. 254 repealed.

4. Section number two hundred and fifty-four of the said Act is repealed, and the following enacted in lieu thereof:

Appointment of auditors.

254. Every Council shall appoint two Auditors, who shall have the same qualification as an Alderman or Councillor of said Corporation, and hold office during pleasure, one of whom 20 shall be nominated by the head of the Council, but no one who at such time or during the preceding year, is or was a member, or is or was Clerk or Treasurer of the Council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in 25 any contract or employment with or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor.

Sec. 419 amended.

5. Section number four hundred and nineteen of the said Act is amended by striking out all the words after the word "necessary" in the fourth line thereof.

30

Sec. 423 repealed.

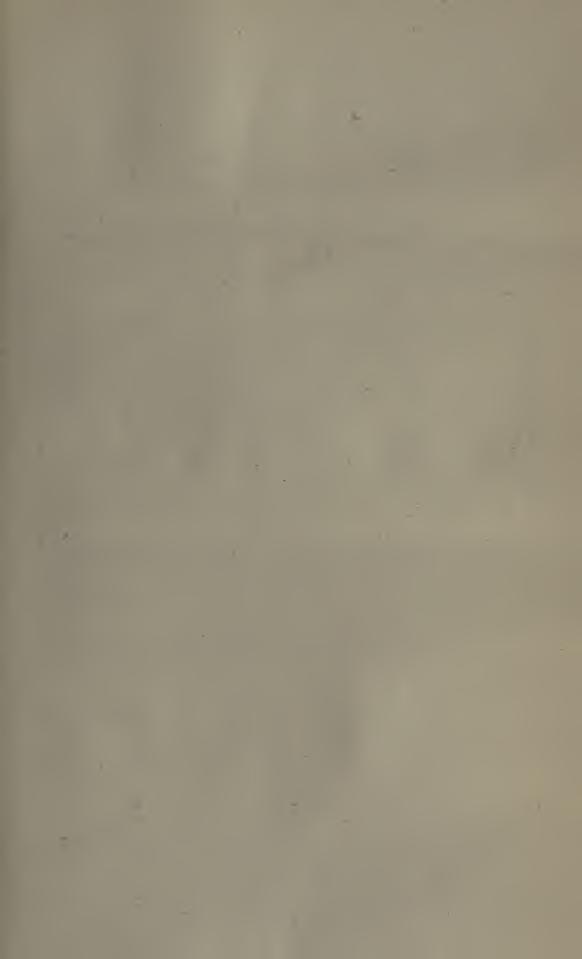
6. Section number four hundred and twenty-three is re-

I omuneration to members of the police force.

pealed, and the following substituted therefor:

423. The Council shall by By-law fix the remuneration for the respective members of the force, and pay the same when required by the Board of Commissioners of Police, and shall 35 provide and pay for all such offices, watch-houses, watch-boxes, arms, accourrements, clothing and other necessaries as the Board may from time to time deem requisite, and require for the payment accommodation and use of the force.

Sec. 476 amended. 7. Section number four hundred and seventy-six is 40 amended, by inserting after the word "hire" in the eighth line the words "or private use, which shall be used for drawing loads weighing two thousand pounds and over."



Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Municipal Act.

First Reading, 11th February, 1879.

Mr. MILLS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 105.]

BILL

[1879.

An Act to amend the Municipal Act.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 1. Section one hundred and nine of the Municipal Act is R. S. O. c. 174, amended by striking out the words "situate in remote parts of s.109 amended. the County" in the fourth line.
- 2. Sub-section three of section four hundred and sixty-five of Sec. 465 the said Act is amended by striking out the words "who have amended. 10 not become permanent residents in the County, City or Town;" and also, by adding to the said section the following: "Provided always, that no license shall be required by any person to enable him or his agents to hawk or peddle any articles manufactured by him within the County, City or Town."

Fourth Parliament, Third Session, 42 Vic. 1879.

BILL.

An Act to amend the Municipal Act.

First Reading, 11th February, 1879.

Mr. Ross.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 106.]

BILL.

[1879.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. Section four hundred and eighty-three of chapter one R. S. O. c. 174, 5 hundred and seventy-four of the Revised Statutes of Ontario s.483amended is hereby amended by inserting the words "or incorporated Village," immediately after the word "Township" in the first line of the said section.
- 2. Section eighty of the said chapter one hundred and eighty R. S. O. c. 180. 10 is amended by adding the words "or incorporated Village" after s. 80 amended. the word "Township" in the second and eleventh lines of the said section.
- 3. Section eighty-one of the said chapter one hundred and R. S. O. c. 180, eighty is amended by adding the words "or incorporated s. 82 amended. 15 Village" after the word "Township" in the first line of the said section.

Fourth Session, Third Parliament, 42 Vic. 1879.

BILL,

An Act to amend the Municipal Act.

First Reading, 11th February, 1879.

Mr. GRAHAM.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to make further provision respecting Elections of Members of the Legislative Assembly.

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. All the writs for a General Election of Members of the Date and 5 Legislative Assembly shall be dated on the same day, and return of write for general need not name a return day, but shall be deemed to be return-election. able as heretofore in forty days from the said date; except that in the case of Algoma the nomination and election are, as hitherto, to be held between the twentieth day of May and the end 10 of November; and if the forty days do not fall between these dates, the writ for that Electoral Division shall be returnable forthwith after the execution thereof.

2. Every Legislative Assembly continues for four years from Duration of the day for the return of the writ for Algoma, and no longer (sub-Assembly. 15 ject to being sooner dissolved by the Lieutenant-Governor). But in case of a General Election at such time of the year that the nomination and election for Algoma do not fall within the forty days aforesaid, and if the Lieutenant-Governor (notwithstanding) sees occasion for a meeting of the Legislature 20 before the election for Algoma, the members elect for the other Electoral Divisions of the Province and the member elected for Algoma at the last election theretofore had for that Electoral Division, shall constitute a lawful Assembly for the dispatch of business, and may be summoned to meet accordingly. And in 25 such case the member elected for Algoma at the last election aforesaid, shall represent that Electoral District until the new election therefor shall have taken place, and the return of the Writ in that behalf shall have been received by the Clerk of the Crown in Chancery. And in such case the duration of the onew Assembly shall be four years from the day for which the Assembly was so summoned to meet for the dispatch of business and no longer (subject to being sooner dissolved by the Lieutenant-Governor.)

3. In the Electoral District of Algoma and of Muskoka and Nomination 5 Parry Sound, the Returning Officer shall, both at a general and and polling days in at a special election, fix the day for the nomination of caudi- Alsoma, Musdates for election as members of the Legislative Assembly; koka, and Parry Sound. such nomination shall not take place less than fifteen nor more than thirty days after the proclamation was first posted up; 10 and the day for holding the polls shall be the fourteenth day next after the day fixed for the nomination of candidates; that is to say, it shall be on the corresponding day of the week next

but one after that on which the nomination has taken place; or if such fourteenth day be a Statutory holiday, then on the following day, not being a Statutory holiday.

Polling day in to be same as in rest of Province if practicable.

4. Where the Returning Officer of either of the said Disabove districts tricts considers it practicable, he shall, in case of a General Election, name as the nomination day the fourteenth day next preceding the day appointed as the polling day throughout the province, so that the polling in the said districts may be held at the same time as the polling in the rest of the Province; save and except that in the Electoral District of Algoma, the nomina-10 tion or polling is to be held as heretofore at some time between the twentieth day of May, and the thirtieth day of November.

Places of posting up proclamation in Algoma.

5. It shall not be necessary in the said electoral district of Algoma to post up the proclamation for holding the election at every post office in the electoral district, but such proclama- 15 tion shall be posted in some public place in the neighbourhood of each place at which a poll is required to be held in case a poll is demanded.

Appointment of Returning Officers -

6. No commission shall be required for the appointment of any person to be a Returning Officer at any election for a 20 member to serve in the Legislative Assembly, but the direction of a writ of election to any person named therein as Returning Officer shall be a sufficient appointment of such person as Returning Officer for such election.

Unforseen

7. In cases where from unforeseen delays, accident or other- 25 delays provid wise, the proclamation for holding an election for a member of the Legislative Assembly for any Electoral District could not be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Lieutenant-Governor, or by the Returning 30 Officer, as the case may be, the Returning Officer may fix new days for the nomination of candidates and for the polling; and in such case the nomination shall be the nearest day practicable, not being a Sunday or Statutory holiday, after allowing the number of days required by law between the posting up of 35 the proclamation and the nomination day; and in every such case the Returning Officer shall, with his return, make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election.

Riding.

Villages or 8. In order to determine the riding of other electoral divi-towns lying in sion to which, under the tenth section of the Revised Statute more than one 8. In order to determine the riding or other electoral divi- 40 respecting the Representation of the People in the Legislative Assembly, as extended by the Eleventh Section of the said Statute, a village or town belongs, the population by the then last census of that portion of the territory of the Village or 45 Town in question which was within each Riding or other Electoral District shall be computed as part of the population of such Riding or other Electoral District, unless the population of such Village or Town appears in the said census, in which case such population shall not be computed in any of the 50 Electoral Ridings or Districts. This Section shall apply to Villages heretofore incorporated as well as to Villages or Towns which may be hereafter incorporated.

9. In case any Village hereafter becomes incorporated in R. S. O. c. 8, respect of which it may appear to the Lieutenant-Governor in s. 10, not to Council to be impossible to ascertain from the census the poputain cases. lation of the territory comprising the Electoral Districts within which such Village lies, the Lieutenant-Governor in Council may, by proclamation, declare that by reason of such impossibility the said tenth section cannot be applied to such Village; and after such proclamation issues the electors entitled to vote in respect of real estate in the said Village 10 shall be entitled to vote in the Riding or Electoral District in which they would be entitled to vote in respect of such real estate if the village had not become incorporated, and the income franchise voters shall be entitled to vote in that Riding in which they would be resident if the village had not become 15 incorporated.

- 10. The electors of the Village of Blythe shall respectively Electors of vote in the Riding in which they would be entitled to vote if Blythe, where a proclamation were issued under the next preceding section.
- 11. Any person who, while engaged in canvassing with re-Carrying 20 spect to an election for the Legislative Assembly, carries or strong liquor takes with him any spirituous, fermented or strong liquor, for tors while the purpose of treating electors or others, shall be deemed canvassing, a guilty of a corrupt practice.

12. The one hundred and fifty-second section of the Elec- R. S. O. c. 10, 25 tion Act is hereby amended by striking out the word "cor-s. 152, ruptly" in the first and the eighth lines of the said section.

13. The forms in the schedule to this Act, and numbered Forms. 1, 2, and 3 are substituted for the forms numbered 18, 20, and 21 in schedule A to said Act, as the forms of oaths or affirma-30 tions to be taken by voters.

14. The following is substituted for sub-section two of Voter may section ninety-one of the said Act:

Any person whose name is entered upon said list of voters oath. as owner, tenant, or occupant of real estate, or as a farmer's 35 son and who is required to take such oath or affirmation as aforesaid, shall be at liberty to select for himself one or other of the said forms numbered one and two in said schedule as the form of oath or affirmation which he will so take notwithstanding any description either in the voters' list or assessment roll 10 as to the qualification or character in respect of which he is entered upon the said list or roll.

15. Sub-section seven of section ninety of the Election R. S. O. c. 10, s. 90, sub-sec. Act is hereby amended as follows: 7, amended.

7. When the proper entries respecting the person so claim-5 ing to vote have been made in the voters list in the manner prescribed, the deputy returning officer shall stamp or sign his name or initials upon the back of the ballot paper and upon the counterfoil; and he shall not put upon the said ballot paper any figure or mark, other than his said name or initials.

16. A voter may mark his ballot paper by placing a cross Mode of markeither (as heretofore) on the right hand side opposite the name ing ballot

of the candidate for whom he desires to vote, or at any other place within the division which contains the name of the candidate.

Sub-sec. 2 amended.

17. Sub-section two of section one hundred and five of the said Election Act is hereby amended as follows:-

Ballot paper, when void.

2. Any ballot paper which has not been supplied by the Deputy-Returning Officer, or on which votes are given to more candidates than are to be elected, or on which anything in addition to the printed number and the initials or name of the Deputy-Returning Officer on the back is written or marked by 10 which the voter can be identified shall be void and shall not be counted; but words or marks corruptly or intentionally or by mistake written or made, or omitted to be written or made, by the Deputy Returning Officer on a ballot paper shall not avoid the same.

ished.

18. It is hereby declared not to be necessary for the Lieuten-Prorogation of 18. It is hereby declared not to be necessary for the Lieuten-Legislature, ant-Governor in proroguing the Legislature to name any day to formal proclamations abol- which the same is prorogued; nor to issue any formal proclamation for a meeting of the Legislature when it is not intended that the Legislature shall meet for despatch of business.

Ss. 22, 29, 38, of s. 91, of R. S. O., c. 10, repealed.

19. The twenty-second, twenty-ninth and thirty-eighth sections, of the Revised Statute respecting elections of members of the Legislative Assembly are hereby repealed.

FORM 1.

(SECTION 13.)

Form of oath of person voting in respect of real estate.

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of on the list of voters now shown unto you (showing the list to the voter);

That on the day of cne thousand eight hun-* (see note below) you were (and, if the fact be dred and so, still are) actually, truly and in good faith possessed to your own use and benefit as either owner, tenant or occupant of the real estate in respect of which your name (or the said name of

) is entered on the said list of voters. person has ceased to be such owner, tenant, or occupant, as the case may be, then insert these words: and that you are still a resident of this Electoral District);

And as such entitled to vote at this election;

That you are of the full age of twenty-one years; That you are a subject of Her Majesty by birth (or naturaliz-

ation;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or pro

mised anything to any person, either to induce him to vote or to refrain from voting at this election: So help you God.

* The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the Assessment Roll upon which the Voters List used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED and corrected.

FORM 2.

Form of vote for a Farmer's son.

(SECTION 13.)

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of the list of voters now shown to you (showing the list to the voter); That on the day of one thousand eight hundred and * (see note) A. B., (viz., the voter's father or mother, naming him or her) was, as you verily believe, actually, truly, and in good faith possessed to his (or her) own use and benefit as owner of the real estate in respect of which your name is so as aforesaid entered on the said voters list.

That you are a son of the said Λ . B.;

That you resided on the said property for the twelve months next before the return by the Assessor of the assessment roll on which the voters list used at this election is based, not having been absent during that period except temporarily and not more than four months in all;

That you are still a resident of this Electoral District, and

are entitled to vote at this election;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (or natural-

That you have not-voted before at this election, either at

this or any other polling place;
That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election;

So help you God.

^{*} The date to be here inserted in administering the Oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the Assessment roll upon which the Voters List used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED and corrected.

FORM 3.

(SECTION 13.)

Form of Oath to be taken by Voter on a Supplementary List of Voters made where additions have been made to a City, Town or Village, or a New Village has been formed, composed of Territory situate in two or more Electoral Districts.

You swear (or solemnly affirm) that you are the person named (or purporting to be named, by the name of

) on the supplementary list of voters now shown unto

you (showing the list to the voter);

That on the day of you were (and, if the fact be so, still are) actually, truly and in good faith possessed to your own use and benefit as owner, tenant, or occupant, of the real estate in respect of which your name (or the said name of) is entered on the said supplementary list of voters (or if the party has ceased to be such owner, tenant, or occupant, then insert these words, "and that you are now a resident of this Electoral District"), and as such entitled to vote at this election;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (or naturalization);

That you have not voted before at this election, either at

this or any other polling place;

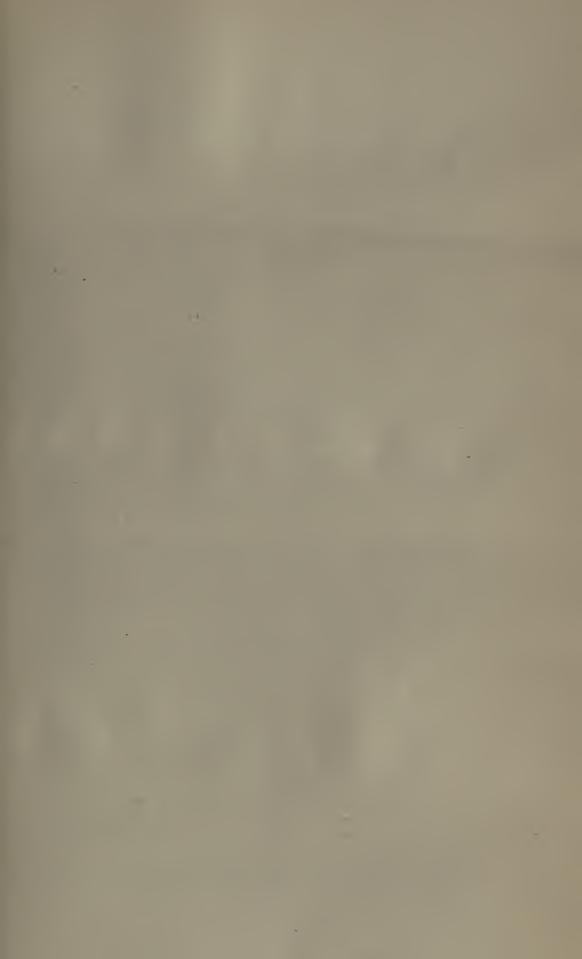
That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or

to refrain from voting at this election:

So help you God.

^{*} The date to be here inserted is at the choice of the voter, to be either the day certified by the Clerk of the Municipality, to be the date of the return by the Assessor of the Assessment Roll, upon which the Voters List used at the election is based, or the day so certified as the date when by law the said roll was to considered or taken as finally revised and corrected.



THIG

An Act to make further provision respecting Election of Members of the Legislative Assembly.

First Reading, 11th February, 1879.

The Attorney-General

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to make further provision respecting Elections of Members of the Legislative Assembly.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. All the writs for a General Election of Members of the Date and 5 Legislative Assembly shall be dated on the same day, and return of writs for general need not name a return day, but shall be deemed to be return-election. able as heretofore in forty days from the said date; except that in the case of Algoma the nomination and election are, as hitherto, to be held between the twentieth day of May and the last 10 day of November; and the writ for that Electoral Division shall be returnable forthwith after the execution thereof.

2. It is hereby declared not to be necessary for the Lieuten-Prorogation of ant-Governor in proroguing the Legislature to name any day to Legislature, formal proclama-mations abol-15 tion for a meeting of the Legislature when it is not intended ished. that the Legislature shall meet for despatch of business.

3. Every Legislative Assembly shall hereafter continue for Duration of four years from the fifty-fifth day after the date of the writs, Assembly. for the election, and no longer (subject to being sooner 20 dissolved by the Lieutenant-Governor). But in case of a General Election at such time of the year that the election for Algoma does not take place at the same time as the other elections, and if the Lieutenant-Governor (notwithstanding) sees occasion for a meeting of the Legislature before the election 25 for Algoma, the members elect for the other Electoral Divisions of the Province and the member elected for Algoma

ision, shall constitute a lawful Assembly for the dispatch of business, and may be summoned to meet accordingly. And in 30 such case the member elected for Algoma at the last election aforesaid, shall represent that Electoral District until the new election therefor shall have taken place, and the return of the Writ in that behalf shall have been received by the Clerk of the Crown in Chancery. And in such case the duration of the

at the last election theretofore had for that Electoral Div-

35 new Assembly shall be four years from the day for which the Assembly was so summoned to meet for the dispatch of business and no longer (subject to being sooner dissolved by the Lieutenant-Governor.)

4. In the Electoral District of Algoma and of Muskoka and Nomination 40 Parry Sound, the Returning Officer shall, both at a general and and polling days in at a special election, fix the day for the nomination of candi- Algoma, Muskoka, and Parry Sound.

Parry Sound.

dates for election as members of the Legislative Assembly; such nomination shall not take place less than fifteen nor moer than thirty days after the proclamation was first posted up; and the day for holding the polls shall be the fourteenth day next after the day fixed for the nomination of candidates; that 5 is to say, it shall be on the corresponding day of the week next but one after that on which the nomination has taken place; or if such fourteenth day be a Statutory holiday, then on the following day, not being a Statutory holiday.

in rest of Province if practicable.

Polling day in 5. The Keturning Unicer of cach of the above districts in case of a General Election, name as the nomination day the 5. The Returning Officer of each of the said Districts shall, 10 fourteenth day next preceding the day appointed as the polling day throughout the province, so that the polling in the said districts may be held at the same time as the polling in the rest of the Province; save and except that in the Electoral District of 15 Algoma, the nomination or polling is to be held as heretofore at some time between the twentieth day of May, and the thirtieth day of November.

Places of posting up proclamation in Algoma.

6. It shall not be necessary in the said electoral district of Algoma to post up the proclamation for holding the election 20 at every post office in the electoral district, but such proclamation shall be posted in some public place in the neighbourhood of each place at which a poll is required to be held in case a poll is demanded.

Appointment of Returning Officers

7. No commission shall be required for the appointment of 25 any person to be a Returning Officer at any election for a member to serve in the Legislative Assembly, but the direction of a writ of election to any person named therein as Returning Officer shall be a sufficient appointment of such person as Returning Officer for such election. 30

Unforseen ed for.

8. In cases where from unforeseen delays, accident or otherdelays provid- wise, the proclamation for holding an election for a member of the Legislative Assembly for any Electoral District could not be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day 35 appointed by the Lieutenant-Governor, or by the Returning Officer, as the case may be, the Returning Officer may fix new days for the nomination of candidates and for the polling; and in such case the nomination shall be the nearest day practicable, not being a Sunday or Statutory holiday, after allowing the 40 number of days required by law between the posting up of the proclamation and the nomination day; and in every such case the Returning Officer shall, with his return, make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election.

Riding.

Villages or 9. In order to determine the riding or other electoral divitowns lying in sion to which, under the tenth section of the Revised Statute respecting the Representation of the People in the Legislative Assembly, as extended by the Eleventh Section of the said Statute, a village or town belongs, the population by the 50 then last census of that portion of the territory of the Village or Town in question which was within each Riding or other Electoral District shall be computed as part of the population of such Riding or other Electoral District, unless the population

of such Village or Town appears in the said census, in which case such population shall not be computed in any of the Electoral Ridings or Districts. This Section shall apply to Villages heretofore incorporated as well as to Villages or Towns which may be hereafter incorporated.

10. In case any Village hereafter becomes incorporated in R. S. O. c. 8, respect of which it may appear to the Lieutenant-Governor in a 10, not to apply in cer-Council to be impossible to ascertain from the census the poputiain cases.

- lation of the territory comprising the Electoral Districts 10 within which such Village lies, the Lieutenant-Governor in Council may, by proclamation, declare that by reason of such impossibility the said tenth section cannot be applied to such Village; and after such proclamation issues the electors entitled to vote in respect of real estate in the said Village
- 15 shall be entitled to vote in the Riding or Electoral District in which they would be entitled to vote in respect of such real estate if the village had not become incorporated, and the income franchise voters shall be entitled to vote in that Riding in which they would be resident if the village had not become 20 incorporated.
 - 2. In such case a change of residence from one part of the Voter not devillage to another, shall not deprive a person whose name is prived of vote in the Voters List of his right to vote; and in the coth to be by change of in the Voters List of his right to vote; and in the oath to be residence. administered to any such person desiring to vote in respect of

25 real estate, the words, "and that you are still a resident of this Village," shall be substituted for the words, "and that you are still a resident of this electoral division."

- 11. The electors of the Village of Blythe shall respectively Electors of vote in the Riding in which they would be entitled to vote if Blythe. 30 a proclamation were issued under the next preceding section.
 - 12. The forms in the schedule to this Act, and numbered Forms. 18, 20, and 21, are substituted for the forms numbered 18, 20, and 21 in schedule A to said Act, as the forms of oaths or affirmations to be taken by voters.
- 13. A voter may mark his ballot paper by placing a cross Mode of markeither (as heretofore) on the right hand side opposite the name paper. of the candidate for whom he desires to vote, or at any other place within the division which contains the name of the candidate.

14. In any case when the Council of any city, Income voters, town or incorporated village has provided, or shall hereafter who have paid instalments of provide by by-law, for the payment of taxes by instalments, taxes, entitled if the voters list used is that of the year in which the writ of to vote. election bears date, any person claiming to vote in respect of

45 income who shall have paid every instalment of taxes that by the terms of such by-law had become due before the date of the writ under which the election is being held, shall be entitled to vote notwithstanding that the remainder of such taxes shall not have been paid, if such person takes the oath or affirm-50 ation in the schedule hereto annexed, numbered 19A.

(2). This section shall not apply to any extension of time Exceptions. granted by by-law, or otherwise subsequent to the passing of the by-law which provided for the payment of such taxes by

instalments, nor to any ease where all the instalments had become due under such original by-law before the date of the writ of election.

Returning officer to obtain copy of taxes payable by instalments.

(3). The Returning Officer shall before the opening of the Poll, obtain from the Clerk of every City, Town, or incorporby law making ated Village, within the Electoral Division for which he is such Returning Officer, a certified copy of any By-law passed by the Council thereof making any taxes payable to the Treasurer thereof by instalments.

Clerk to furnish copy of By-law.

(4). The Clerk shall give such certified copy of By-law upon 10 being required so to do by the Returning Officer or any other person who applies for the same, and shall be subject to a penalty of two hundred dollars in case of neglect or refusal.

Fee.

(5). For every such certified copy of By-law the Clerk shall be entitled to receive the sum of fifty cents.

Copy as evidence.

(6). Such certified copy of By-law, when delivered to the Deputy Returning Officer, shall be the evidence upon which he shall act in administering the oath in the Schedule hereto annexed to be administered to persons claiming the right to vote in respect to income in the cases provided for by this 20

R. S. O. c. 10,

15. The seventy-second section of the said Election Act is s. 72 amended amended by striking out the words, "at least one month," where they occur in that section.

R. S. O. c. 10, s. 90, sub-s 7, amended.

16. Sub-section seven of section ninety of the Election 25

Act is hereby amended as follows:

7. When the proper entries respecting the person so claiming to vote have been made in the voters list in the manner prescribed, the deputy returning officer shall stamp or sign his name or initials upon the back of the ballot paper and upon 30 the counterfoil; and he shall not put upon the said ballot paper any figure or mark, other than his said name or initials.

Voter may oath.

17. The following is substituted for sub-section two of

select form of section ninety-one of the said Act:

Any person whose name is entered upon said list of voters 35 as owner, tenant, or occupant of real estate, or as a farmer's son and who is required to take such oath or affirmation as aforesaid, shall be at liberty to select for himself one or other of the said forms numbered 18 and 20 in said schedule as the form of oath or affirmation which he will so take notwithstand- 40 ing any description either in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the said list or roll.

S. 105, Sub-s. 2 amended.

18. Sub-section two of section one hundred and five of the said Election Act is hereby amended as follows:—

Ballot paper, when void.

2. Any ballot paper which has not been supplied by the Deputy-Returning Officer, or on which votes are given to more candidates than are to be elected, or on which anything in addition to the printed number and the initials or name of the Deputy-Returning Officer on the back is written or marked by 50 which the voter can be identified shall be void and shall not be counted; but words or marks corruptly or intentionally or by mistake written or made, or omitted to be written or made, by the Deputy Returning Officer on a ballot paper shall not avoid the same.

19. Sub-section two of the one hundred and forty- S. 149, sub-s. ninth section of the said Election Act, is hereby repealed 2 repealed, and and the following substituted in lieu thereof:

(2) Any person so offending shall income a possible of two tends.

(2). Any person so offending shall incur a penalty of two tuted. hundred dollars; but the actual personal expenses of any candidate, his expenses for actual professional services performed, and bona fide payments for the fair cost of printing and advertising, and other lawful and reasonable expenses incurred by the candidate or any agent in good faith and without any 10 corrupt intent in connection with the election, shall be held to

be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

20. The following is hereby added to the one hundred S. 173 amendand seventy-fifth section of the said Election Act:

- 7. For compelling payment of the fine and for the infliction of any other punishment imposed, the judges shall have the like authority as a Court of Oyer and Terminer or a judge presiding thereat, has to give effect to the judgment of the court; and the Sheriff and Gaoler shall obey all orders of the said judges, made in that behalf.
 - 21. The twenty-second, twenty-ninth and thirty-eighth Ss. 22, 29, 38, sections, of the Revised Statute respecting elections of members of R. S. O., c. of the Legislative Assembly are hereby repealed.

FORM 18.

(SECTION 12.)

Form of oath of person voting in respect of real estate.

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of) on the list of voters now shown unto you (showing the list to the voter);

That on the day of cne thousand eight hundred and * (see note below) you were (and, if the fact be so, still are) actually, truly and in good faith possessed to your own use and benefit as either owner, tenant or occupant of the real estate in respect of which your name (or the said name of) is entered on the said list of voters. (Or if the

person has ceased to be such owner, tenant, or occupant, as the case may be, then insert these words: and that you are still a resident of this Electoral District);

And as such entitled to vote at this election; That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (or naturalization);

^{*} The date to be here inserted in administering the oath is at the choice of the Voter, to be either the day certified by the Clerk of the Municipality to be the date of the return by the Assessor of the Assessment Roll upon which the Voters List used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as finally revised and corrected.

That you have not voted before at this election, either at

this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election:

So help you God.

FORM 19 A.

(Section 14)

Form of oath of person voting in respect of income where the taxes relating thereto were made payable by instalments.

You swear (or solemnly affirm) that you are the person named (or purporting to be named, by the name of

) on the list of voters now shown to you (showing the list

to voter;)

That on the day of , one thousand eight hundred and (the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment rell, upon which the voters' list used at the election is based, for the City, Town, or Village as the case may be), you were, and thenceforward have been continuously, and still are a resident of this City (Town or Village as the case may be).

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling or profession, as the case may be) of a sum of not less than four

hundred dollars;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (or naturalziation, as the case may be);

That you have not voted before at this election, either at this

or any other polling-place.

That you have not received anything, nor has anything been promised you, either directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith:

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to re-

frain from voting.

And that you have duly paid every instalment of taxes whatsoever assessed or rated against you, which under the original by-law making the taxes for the said municipality for the present year, payable by instalments, and a copy of which by-law is now exhibited to you, has become due in respect of the income for or by reason of which you are rated and entered upon the assessment roll upon which the voters' list used at this election is based.

So help you God.

FORM 20.

Form of oath for a Farmer's son.

(Sections 12 and 17.)

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of the list of voters now shown to you (showing the list to the voter);

That on the day of one thousand * (see note) A. B., (viz., the voter's eight hundred and father or mother, naming him or her) was, as you verily believe, actually, truly, and in good faith possessed to his (or her) own use and benefit as owner of the real estate in respect of which your name is so as aforesaid entered on the said voters list.

That you are a son of the said A. B.;

That you resided on the said property for the twelve months next before the return by the Assessor of the assessment roll on which the voters list used at this election is based, not having been absent during that period except temporarily and not more than four months in all;

That you are still a resident of this Electoral District, and

are entitled to vote at this election;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (or naturalization;)

That you have not voted before at this election, either at

this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election;

So help you God.

FORM 21.

(Section 12.)

Form of Oath to be taken by Voter on a Supplementary List of Voters made where additions have been made to a City, Town or Village, or a New Village has been formed, composed of Territory situate in two or more Electoral Districts.

You swear (or solemnly affirm) that you are the person named (or purporting to be named, by the name of

) on the supplementary list of voters now shown unto

you (showing the list to the voter);

^{*} The date to be here inserted in administering the Oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the Assessment roll upon which the Voters List used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED and corrected.

The Attorney-General

fourth Session, Third Parliament,

42 Vic., 1879.

That on the day of 18 ,* you were (and, if the fact be so, still are) actually, truly and in good faith possessed to your own use and benefit as owner, tenant, or occupant, of the real estate in respect of which your name (or the said name of) is entered on the said supplementary list of voters (or if the party has ceased to be such owner, tenant, or occupant, then insert these words, "and that you are now a resident of this Electoral District"), and as such entitled to vote at this election;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (or naturalization):

That you have not voted before at this election, either at

this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election:

So help you God.

First Reading, 11th

February, 1879

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3rd	
3rd March,	
1879.	

(Reprinted as Amended.)

An Act to make further provision respecting Elections of Members of the Legislative Assembly.

TORONTO: Printed by C. Blackett Robinson

^{*} The date to be here inserted is at the choice of the voter, to be either the day certified by the Clerk of the Municipality, to be the date of the return by the Assessor of the Assessment Roll, upon which the Voters List used at the election is based, or the day so certified as the date when by law the said roll was to considered or taken as finally revised and corrected.

An Act to give to Mortgagees certain powers now commonly inserted in Mortgages.

[ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. Where any principal money is secured or charged by Powers inci-5 deed hereafter executed on any hereditaments of any tenure, dent to mort-or on any interest therein, the person to whom such money shall, for the time being, be payable, his executors, administrators and assigns, shall, at any time after the expiration of from the time when such principal money shall

10 have become payable, according to the terms of the deed, or after any interest on such principal money shall have been in months, or after any omission to pay any premium or any insurance which, by the terms of the deed, ought to be paid by the person entitled to the property subject 15 to the charge, have the following powers, to the same extent

(but no more) as if they had been in terms conferred by the

person creating the charge, namely:

1st. A power to sell, or concur with any other person in selling, the whole or any part of the property by public auc-20 tion or private contract, subject to any reasonable conditions he may think fit to make, and to reseind or vary contracts for sale, or buy in and re-sell the property, from time to time, in

2nd. A power to insure, and keep insured, from loss or dam-25 age by fire, the whole or any part of the property (whether affixed to the freehold or not) which is in its nature insurable, and to add the premiums paid for any such insurance to the principal money secured at the same rate of interest.

2. Receipts for purchase money given by the person or Receipts for 30 persons exercising the power of sale hereby conferred, shall be purchase sufficient discharges to the purchaser, who shall not be bound cient disto see to the application of such purchase money.

3. No such sale as aforesaid shall be made until after months' notice in writing, given to the person or one of the given before months notice in writing, given to the person or one of the sale, but pur35 persons entitled to the property subject to the charge, or chaser relieved
affixed on some conspicuous part of such property; but when from enquiry
as to circuma sale has been effected in professed exercise of the powers stances of sale. hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no ease had arisen to 40 authorize the exercise of such power, or that such power has been improperly or irregularly exercised, or that no such notice as aforesaid has been given; but any person damnified by any

Notice to be

such unauthorized, improper, or irregular exercise of such power, shall have his remedy against the person selling.

Application of purchase money.

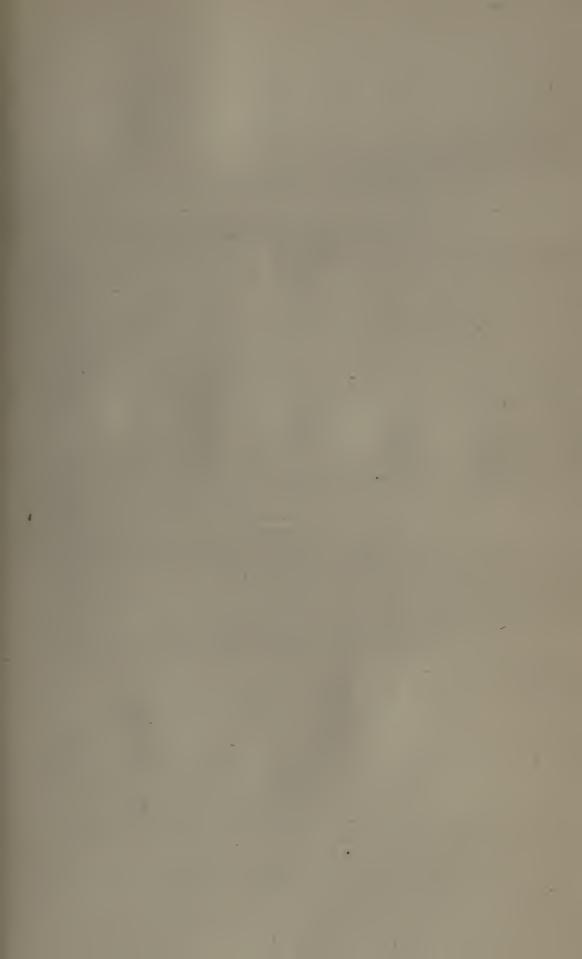
4. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows: first, in payment of all the expenses incident to the sale or in- 5 curred in any attempted sale; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and thirdly, in discharge of all the principal moneys then due in respect of such charge; and the residue of such money shall be paid to the person en-10 titled to the property subject to the charge, his heirs, executors, administrators, or assigns, as the case may be.

Conveyance to

5. The person exercising the power of sale hereby conferred the purchaser, shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest 15 therein, which the person who created the charge had power to dispose of.

Owner of charge may call for title deeds and conveyance of legal estate.

6. At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to exercise the same shall be entitled to demand and recover, from the 20 person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed, surrendered, or assigned to and were 25 then vested in him for all the estate and interest which the person creating the charge had power to dispose of; and where the legal estate shall be outstanding in a trustee, the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a 35 conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.



Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to give to Mortgagees certain powers now commonly inserted in Mortgages.

First Reading, 13th February, 1879.

The ATTORNEY-GENERAL.

PRINTED BY C. BLACKETT ROBINSON.

An Act to give to Mortgagees certain powers now commonly inserted in Mortgages.

TER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. Where any principal money is secured or charged by Powers inci-5 deed hereafter executed on any hereditaments of any tenure, gages. or on any interest therein, the person to whom such money shall, for the time being, be payable, his executors, administrators and assigns, shall, at any time after the expiration of six months from the time when such principal money shall

10 have become payable, according to the terms of the deed, or after any interest on such principal money shall have been in arrear for six months, or after any omission to pay any premium or any insurance which, by the terms of the deed, ought to be paid by the person entitled to the property subject 15 to the charge, have the following powers, to the same extent (but no more) as if they had been in terms conferred by the

person creating the charge, namely:

1st. A power to sell, or concur with any other person in selling, the whole or any part of the property by public auc-20 tion or private contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and re-sell the property, from time to time, in like manner.

2nd. A power to insure, and keep insured, from loss or dam-25 age by fire, the whole or any part of the property (whether affixed to the freehold or not) which is in its nature insurable, and to add the premiums paid for any such insurance to the principal money secured at the same rate of interest.

2. Receipts for purchase money given by the person or Receipts for 30 persons exercising the power of sale hereby conferred, shall be money sufficient discharges to the purchaser, who shall not be bound circumstant discharges to see to the application of such purchase money.

- 3. No such sale as aforesaid shall be made until after three Notice before months' notice in writing has been given to any subsequent sale. 35 encumbrancer, and to the person entitled to the property subject to the charge and to such encumbrance, the notice to be given either personally or at his usual or last place of residence in this Province, which notice may be given at any time after any default in making a payment provided for by the deed.
- (2.) In case of the death of the person entitled subject to the charge, and of his interest therein passing to infant heirs or

devisees, the notice shall be given as aforesaid to his executors or administrators, as well as to his heirs or devisees, as the case may be.

(3.) The notice for an infant heir is to be served upon his guardian, and is also to be served upon the infant himself, if 5

over the age of twelve years.

Improper [sale not to defeat title of purchaser.

4. But when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that such 10 power has been improperly or irregularly exercised, or that no such notice as aforesaid has been given; but any person damnified by any such unauthorized, improper, or irregular exercise of such power, shall have his remedy against the person selling.

Form of notice.

5. The notice of sale may be in the following form or to 15

the following effect:

(a day not less than three calendar months from the service of the I hereby require you on or before the day of 18, notice, and not less than six calendar months after the default) to pay off the principal money and interest secured by a cer-20 tain indenture dated the day of 18 and expressed to be made between (here state parties and describe mortgage property) which said mortgage was registered on day of (and if the mortgage has been assigned add: and has since become the property of the undersigned). And I hereby 25 give you notice that the amount due on the said mortgage for principal, interest, and costs respectively, is as follows: (set the same forth).

And unless the said principal money and interest and costs are paid on or before the said day of I shall sell the 30 property comprised in the said indenture under the authority of the Act entitled "An Act to give to mortgagees certain powers now commonly inserted in mortgages." Dated the

day of 18

Registration of notice.

6. The notice of sale of lands may be registered in the 35 registry office of the registration division in which the lands are situate, in the same manner as any other instrument affecting the land, and such registration will have the same effect, and the duties of the registrar in respect of the same will be as in the case of any other registered instrument, and the fee to 40 be paid such registrar for registering the same shall be fifty cents.

Affidavit for registration.

7. The affidavit for the purpose of registering the notice shall be by the person who served the same, and shall prove the time, place, and manner of such service, and also that the 45 copy delivered to the registrar is a true copy of the notice served.

Certified copy of registered notice to be evidence. (2.) A copy of any such registered notice and affidavit, certified under the hand and seal of office of the registrar, shall in all cases be received as *prima facie* evidence of the facts therein 50 stated.

Application of 8. The money arising by any sale effected as aforesaid purchase money. shall be applied by the person receiving the same as follows:

first, in payment of all the expenses incident to the sale or incurred in any attempted sale; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and thirdly, in discharge 5 of all the principal moneys then due in respect of such charge; and the residue of such money shall be paid to the subsequent encumbrancers according to their priorities, and the balance to the person entitled to the property subject to the charge, his heirs, executors, administrators, or assigns, as the ease may be.

9. The person exercising the power of sale hereby conferred Conveyance to shall have power by deed to convey or assign to and vest in the purchaser. the purchaser the property sold, for all the estate and interest therein, which the person who created the charge had power to dispose of.

10. At any time after the power of sale hereby conferred Owner of shall have become exercisable, the person entitled to exercise charge may the same shall be entitled to demand and recover, from the deeds and conperson entitled to the property subject to the charge, all the veyance of legal estate. deeds and documents in his possession or power relating to the 20 same property, or to the title thereto, which he would have

- been entitled to demand and recover if the same property had been conveyed, appointed, surrendered, or assigned to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of; and where 25 the legal estate shall be outstanding in a trustee, the person
- entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person ereating the charge could have called for such a conveyance if 30 the charge had not been made.

11. The mortgagee's costs may, without any order, be taxed Taxation of by the Master in Chancery or Local Master, at the instance of costs. any party interested.

12. So much of this Act as provides for a power to sell shall Provisions as 35 not apply in the case of a deed which contains a power of sale; to sale, etc., and so much of this Act as provides a power to insure shall certain cases. not apply in the case of a deed which contains a power to insure, nor shall this Act apply to any deed which contains a declaration that this Act is not to apply thereto.

Fourth Session, Third Parliament, 42 Vic., 1879

7

An Act to give to Mortgagees certain powers now commonly inserted in Mortgages.

(Reprinted as Amended.)

First Reading, 13th February, 1879.
Second " 18th " 1879.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 109.]

BILL.

[1879.

An Act to amend the Election Act of Ontario.

THEREAS it is expedient to amend the Election Act of Preamble. Ontario.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. In any case where the Council of any Municipality have Income voters 5 provided, or shall hereafter provide, by By-law for the payment who have paid all instalments of taxes by instalments, or grant an extension of time for the of taxes due payment thereof, any person claiming to vote in respect of in-entitled to come who shall have paid the instalment or instalments of taxes that had become due before the date of the writ under 10 which the election is being held, shall be entitled to vote notwithstanding that the whole of such taxes shall not have been paid, and the form of oath taken by such person shall be form nineteen in Schedule A to the said Act, except that instead of the words from the word "and," in the twenty-fifth line to the 15 word "based," in the thirty-fourth line the following words shall be substituted, "and that you had before the date of the writ under which this election is being held duly paid all instalments which had then become due of all Municipal taxes whatsoever assessed or rated against you in respect of the in-20 come for or by reason of which you are rated and entered on the assessment roll upon which the Voters list used at this election is based."

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Election Act of Ontario.

Second Reading, 13th February, 1879.

Hon. Mr. Morris.

No 109.]

BILL.

[1879.

An Act to amend the Election Act of Ontario.

THEREAS it is expedient to amend the Election Act of Preamble. Ontario.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. In any case where the Council of any Municipality have Income voters 5 provided, or shall hereafter provide, by By-law for the payment who have paid of taxes by instalments, any person claiming to vote in respect of taxes due of income who shall have paid the instalment or instalments of entitled to taxes that had become due before the date of the writ under vote. which the election is being held, shall be entitled to vote not-10 withstanding that the whole of such taxes shall not have been paid, if such person takes the oath or affirmation in the Schedule hereto annexed.

2. The Returning Officer shall, before the opening of the Returning Poll, obtain from the Clerk of every City, Town, or incorpor-Officer to obtain copy of ated Village, within the Electoral Division for which he is such By-law mak-Returning Officer, a certified copy of any By-law passed by the ing taxes Council thereof making any taxes payable to the Treasurer instalments. thereof by instalments.

(2.) The Clerk shall give such certified copy of By-law upon Clerk to give 20 being required so to do by the Returning Officer or any other certified copy of By-law. person who applies for the same, and shall be subject to a penalty of two hundred dollars in case of neglect or refusal.

(3.) For every such certified copy of By-law the Clerk shall Fee. be entitled to receive the sum of fifty cents.

(4.) Such certified copy of By-law, when delivered to the Copy as evi-Deputy Returning Officer, shall be the evidence upon which dence. he shall act in administering the oath in the Schedule hereto annexed to be administered to persons claiming the right to vote in respect to income in the cases provided for by this Act.

(5.) The Deputy Returning Officer shall, at the completion Deputy Reof the counting of the votes after the close of the Poll, make turning Officer to send copy out a true copy of the oath aforesaid so administered by him of oath to under the authority of this Act, to any person or persons Returning who claimed to vote in respect of income, as having paid all 35 instalments of taxes that had theretofore become due under

any such By-law as aforesaid, and shall enclose and deliver the same to the Returning Officer in the manner provided by the one hundred and ninth and one hundred and tenth sections of the Election Act.

SCHEDULE.

Form of oath of person voting in respect of income where the taxes relating thereto were made payable by instalments.

You swear (or solemnly affirm) that you are the person named (or purporting to be named, by the name of

) on the list of voters now shown to you (showing the list

to voter);

That on the day of , one thousand eight hundred and (the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll, upon which the voters' list used at the election is based, for the Township (City or Village, as the case may be), you were, and thenceforward have been continuously, and still are a resident of this Township, (City, Town or Village, as the case may be).

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling or profession, as the case may be) of a sum of not less than four

hundred dollars;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (or naturalization, as the case may be);

That you have not voted before at this election, either at this

or any other polling-place.

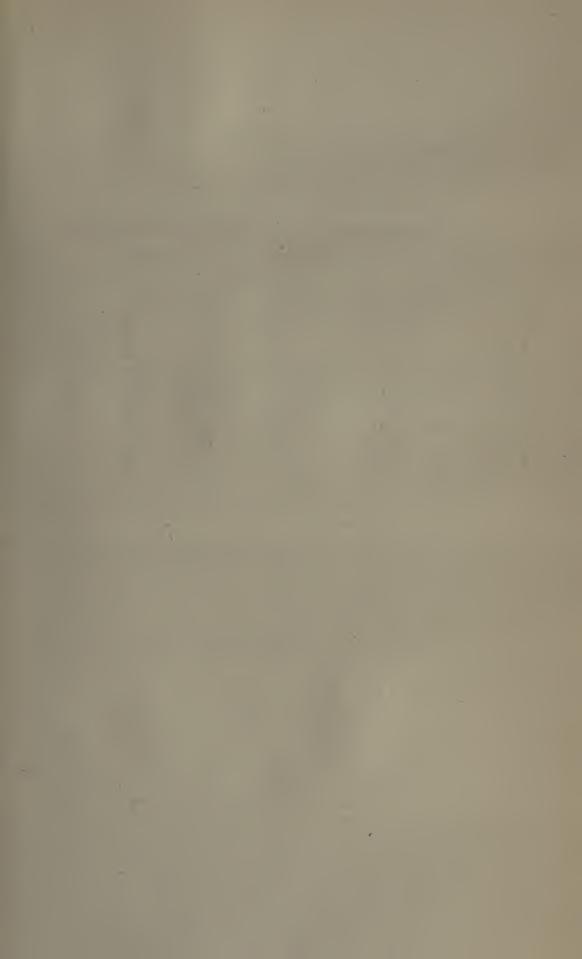
That you have not received anything, nor has anything been promised you, either directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to re-

frain from voting.

And that you have duly paid all and every instalment of taxes whatsoever assessed or rated against you and having become due in respect of the income for or by reason of which you are rated and entered upon the assessment roll upon which the voters' list of voters used at this election is based, pursuant to the By-law passed by the Council of the [City, Town or incorporated Village, as the case may be], making the same payable by instalments, a certified copy whereof is now exhibited to you.

So help me God.



BILL

An Act to amend the Election Act of Ontario.

(Reprinted us amended.)

First Reading, 13th February, 1879. Second " 19th " 1879.

Hon. Mr. Morrs.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 110.]

BILL.

[1879.

An Act to amend the Railway Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. The Council of the Municipal Corporation of every county, Municipal 5 city, town, township or incorporated village shall have power, may carry within its jurisdiction, to open, make, widen, alter, divert, stop roads across up or carry any road or street across any railway, and to pass railways. by-laws for such purpose, subject to the provisions of the Municipal Act.
- 10 2. The powers given by the preceding section shall extend Extension of to cases where, by extension hereafter of the limits of the muni-limits. cipality, the railway to be crossed comes within such limits as well as cases where the railway now is within the limits.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Railway Act of Ontario.

First Reading, 13th February, 1879.

MR. LAUDER,

No. 111.]

BILL.

[1879.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. Section one hundred and six of chapter one hundred and R. S. O. c. 174 5 seventy-four of the Revised Statutes of Ontario is amended by s. 106 amend-inserting the words "at the town hall of such Municipalities or at "before the word "such" in the fifth line thereof.
- 2. Section one hundred and seven of the said chapter one Sec. 107 hundred and seventy-four is amended by inserting the words amended 1 "at the town hall of the Township or at" before the word "such" in the seventh line thereof.

BILL.

An Act to amend the Municipal Act.

First Reading,

February, 1879.

Dr. Clarke.

No. 112,]

BILL.

[1879.

An Act to amend the Act respecting Mutual Fire Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. Section five of chapter one hundred and sixty-one of the R. S. O. c. 161
 5 Revised Statutes of Ontario is amended by inserting the words s. 4 amended.
 "County or" before the word "Municipality" in the fourth line of the said section.
- 2. Section six of the said chapter one hundred and sixty-S.6 amendone is amended by inserting the words "County or before ed. 10 the word "Municipality" in the fifth line of the said section.

BILL.

An Act to amend the Act respecting Mutual Fire Insurance Companies.

First Reading,

February, 1879.

Dr. Clarke.

An Act to prevent the spreading of Black-Knot on Plum Trees.

[ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. It shall be the duty of every occupant of land in the Pro-Black Knot to vince of Ontario, to cut out, and immediately burn up, all the be destroyed. 5 black-knot found on plum trees growing thereon, so often in each and every year as it shall appear on such trees; and shall Penalty for dig up and burn all peach trees affected with the yellows; and non destrucif any owner, possessor or occupier of land in said Province shall knowingly suffer any black-knot to grow thereon, he shall, upon 10 conviction, be liable to a fine of not less than two dollars, nor more than ten dollars for every such offence.

2. It shall be the duty of every overseer or inspector of Duties and highways in any Municipality to see that the provisions of powers of over-this Act are carried out within their respective highway divi-ways as to de-15 sions, by cutting and destroying, or causing to be cut and de-struction. stroyed, all the black-knot growing on plum trees within their respective divisions, and digging up and burning all peach trees affected with the yellows; and every such overseer or inspector shall give notice in writing to the owner, possessor or occupier 20 of any land within the said division, whereon black-knot, or peach trees affected with the yellows, shall be found, requiring him to cause the same to be cut out and burnt within five days from the service of such notice; and in case such owner, possessor or occupier shall refuse or neglect to cut out and destroy 25 the said black-knot, or dig up and burn such diseased peach trees, within the period aforesaid, the said overseer or inspector of highways shall enter upon the land and cause such blackknot to be cut out and destroyed with as little damage to the plum trees, on which the same shall be found growing, as may 30 be, and cause to be dug up and burned all peach trees affected with the yellows, and the said overseer or inspector shall not be liable to be sued in an action of trespass therefor.

3. Each overseer or inspector of highways shall keep an Recovery of accurate account of the expense incurred by him in carrying expenses by 35 out the provisions of the preceding sections of this Act, with Council. respect to each parcel of land entered upon therefor; and shall deliver a statement of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner, possessor or occupier of such resident lands, requiring 40 him to pay the amount. In case such owner, possessor, or occupier of such resident lands shall refuse or neglect to pay

the same within twenty days after such application, the said claim shall be presented to the Municipal Council of the Corporation in which such expense was incurred, and the said council is hereby authorized and required to credit and allow such claim, and order the same to be paid by the treasurer of 5 the said municipality: The said overseer or inspector of highways shall also present to the said council a similar statement of the expenses incurred by him in carrying out the provisions of the said section upon any non-resident lands, and the said council is hereby authorized, empowered and required to audit 10 and allow the same in like manner: provided always, that if any owner, occupier or possessor, amenable under the provisions of this Act, shall deem such expense excessive, an appeal may be had to the said council (if made within twenty days after delivery of such statement), and the said council shall 15 determine the matter in dispute.

Appeal as to expenses.

Recovery of expenses by Council.

4. The Municipal Council of the Corporation shall cause all such sums as have been so paid under the provisions of this Act, to be severally levied on the lands described in the statement of the overseer or inspector of highways, and to be col-20 lected in the same manner as other taxes, and the same, when collected, shall be paid into the treasury of the said corporation to reimburse the outlay therefrom aforesaid.

Penalty on overseer for neglect, etc.

5. Every overseer or inspector of highways or other officer who shall refuse or neglect to discharge the duties imposed on 25 him by this Act, shall be liable to a fine of not less than ten dollars nor more than twenty dollars.

Enforcing penalties and application of

6. Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied on conviction before any Justice 30 of the Peace; and all fines imposed shall be paid into the treasury of the municipality in which conviction takes place.

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First Reading, 14th February, 1879.	BILL. An Act to prevent the spreading of Blac Knot on Plum Trees.
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UREIGHTON

PRINTED BY C. BLACKETT KOBINSON. TORONTO:

No. 113.]

BILL.

[1879.

An Act to prevent the spreading of Black-Knot on Plum and Cherry Trees.

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. It shall be the duty of every occupant of land in the Pro-Black Knot to be destroyed. 5 vince of Ontario, to cut out, and immediately burn up, all the black-knot found on plum or cherry trees planted and growing thereon, so often in each and every year as it shall appear on Penalty for such trees; and if any occupier of land in said Province shall, tion. after having been notified, knowingly suffer any black-knot to 10 grow thereon, he shall, upon conviction, be liable to a fine of not less than one dollar, nor more than five dollars for every such offence.

2. Every offence against the provisions of this Act shall be Enforcing punished, and the penalty hereby enforced for each offence application of 15 shall be recovered and levied on conviction before any Justice fines. of the Peace; and all fines imposed shall be paid into the treasury of the municipality in which the offence takes place.

3. Any municipal corporation in Ontario may appoint an Appointment officer or inspector for the purpose of carrying out the pro- of Inspector. 20 visions of this Act.

Fourth Session, Third Parliament, 42 Vic., 1879.

DILLILI.

An Act to prevent the spreading of Black Knot on Plum and Cherry Trees.

(Reprinted as Amended.)

First Reading, 14th February, 1879.
Second " 19th " 1879.

MR. CREIGHTON.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 114.]

BILL.

[1879]

An Act to amend the Law as to the Limitation of See 25, Vic. Actions. R. S. O. c. 61, ss. 1 to 5.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. Any plaintiff or person in any action, suit or proceeding, Distinction 5 either at law or in equity, who has been or is resident with- abolished beout or absent from the Province of Ontario, shall have no dents and nongreater or longer period of time to bring, commence or prose-residents as regards limita-cute any such suit, action or proceeding, by reason of such non-tions of actions residence in, or absence from Ontario, than if such plaintiff or in Ontario. 10 person had been or were resident in Ontario when the cause of such action, suit or proceeding first accrued; and all and every exception or distinction in any law or statute relating to the limitation of actions now in force in Ontario, in favour of any plaintiff or person resident without or absent from On-15 tario, by whatever terms or words such residence without or absence from Ontario is stated or described in such law or statute shall be, and the same is hereby abolished and repealed, and this Act shall be deemed to have been in force on and from the thirty-first day of December, in the year of our

20 Lord one thousand eight hundred and seventy-seven.

BILL.

An Act to amend the Law as to the Limitation of Actions.

First Reading, 14th February, 1879.

The Attorney-General.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No 115..]

BILL

[1879.

An Act respecting the Registration of Deaths.

TER MAJESTY, by and with the advice and consent of the See Imperial Legislative Assembly of the Province of Ontario, enacts Act 37 and 38 Vic. c. 88, sees. as follows :-

1. Notwithstanding anything contained in section fourteen of Return to be 5 the Act respecting the registration of births, marriages, and made by mindeaths, being chapter thirty-six of the Revised Statutes, where officiating at any minister or other person has occasion to bury or perform any funeral unless funeral or religious service for the burial of any dead body ed certificate without having received the certificate of the Registrar of the of Registrar of

10 Division in which the death took place that the particulars of Deaths. such death have been duly registered, it shall be sufficient for such minister or other person (in lieu of the return by the said section required) to give to the registrar within seven days after the burial a written notice under the hand of such min-

II ister or other person, stating according to his knowledge, information and belief, the name and residence of the deceased, and the date and place at; which the burial took place, or at which the service was performed, either without or with any of the other particulars mentioned in schedule C to the said Act.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act respecting the registration of deaths.

First Reading, 14th February. 1879.

The Attorney-General

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 116.]

BILL.

[1879.

An Act respecting payments, under the Municipal Loan Fund Scheme, where Indians are interested.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:--

1. Where, in the unorganized townships or parts of districts Payments 5 mentioned in the Schedule appended to the Act passed in the where Indians are interested, fortieth year of Her Majesty's reign, chaptered thirteen, and in- under Munitituled "An Act respecting payments to unorganized Townships cipal Loan or parts of Districts under the Municipal Loan Fund Scheme." Indians or persons partly of Indian blood are entitled to the 10 benefit of any moneys payable under the "Act respecting Municipal Loan Fund Debts, and respecting certain payments to Municipalities," the Lieutenant-Governor in Council may authorize the expenditure of such moneys for any purpose, whether of a temporary or permanent nature, that he may consider

15 beneficial to the persons as aforesaid entitled.

BILL.

An Act respecting payments, under the Municipal Loan Fund Scheme, where Indians are interested.

First Reading, 14th February, 1879.

HON. MR. WOOD.

No. 116.]

BILL.

[1879.

An Act respecting payments, under the Municipal Loan Fund Scheme, where Indians are interested.

I ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Where, in the unorganized townships or parts of districts Payments 5 mentioned in the Schedule appended to the Act passed in the where Indians fortieth year of Her Majesty's reign, chaptered thirteen, and in-under Munitituled "An Act respecting payments to unorganized Townships cipal Loan or parts of Districts under the Municipal Loan Fund Scheme," Fund Scheme. the population consists wholly or chiefly of Indians or per-

10 sons of Indian blood, the Lieutenant-Governor in Council may authorize any money which is payable to the locality under the said Act to be expended for any purpose, whether of a temporary or permanent nature that the Lieutenant-Governor in Council may consider beneficial to the said population.

BILL.

An Act respecting payments, under the Municipal Loan Fund Scheme, where Indians are interested.

(Reprinted us Amended.)

First Reading, 21st February, 1879.
Second " 27th , " 1879.

Hon. Mr. Wood.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No 117.]

BILL.

[1879.

An Act to amend the Municipal Act.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Section four hundred and sixty of the said Muuicipal Sec. 460 of R. 5 Act, is hereby amended by adding the word "Township," im-S. O. c. 174, amended. mediately after the word "Town" in the first line of the said section.

(2.) The said section is further amended by adding the following as sub-section A immediately after said section.

10 A. For granting aid by way of bonus for or towards the con- Aid to Harstruction of Harbours, Wharves, Docks, Slips, and necessary bours, &c. Beacons, on any River, Lake, or navigable water, passing in, through or forming any part of the boundary of a County whether such bonus be given by such County or by a City, 15 Town, Township, or incorporated Village situate therein, and to

pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said Municipality may deem expedient, and may take security therefor, but no such By-law

20 shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of By-laws for creating debts.

Fourth Session, Third Parliament, 42 Vic., 1879.

DILL

An Act to amend the Municipal Act.

First Reading, 17th February, 1879.

MR. McCraney.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize Investments in Municipal Debentures issued in aid of Stone or Timber Drainage.

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:--

1. The provisions of the "Ontario Tile Drainage Act," passed Provisions of 5 in the forty-first year of Her Majesty's reign, chaptered nine, are 41 Vic., C. 9, hereby extended to authorize every Township Council to pass extended. By-laws for borrowing money by the sale of debentures of the Municipality, for the purpose of lending the same for stone or timber drainage, in the same manner and subject to the like 10 conditions as such Councils are, by the said Act, authorized to pass By-laws for borrowing money as aforesaid for the purpose of lending the same for tile drainage.

2. The Lieutenant Governor in Council may from time to Purchase of time, in his discretion, invest any part of the sum of Two Debentures by 15 Hundred Thousand Dollars mentioned in the Tenth Section Governor in of the said Act in the purchase of any debentures issued Council.' under By-laws passed under this Act and deposited with the Commissioner of Agriculture together with the affidavits of the Reeve in the form given in Schedules B. and C. of the said 20 Act, or to the like effect, and in respect of which the Commissioner of Agriculture shall have certified to the propriety of investment.

- 3. After any such investment has been made the debentures Debentures shall not be questioned, and shall be deemed valid to all intents not to be questioned. 25 and purposes.
- 4. The provisions of the said "The Ontario Tile Drainage 41 Vic., C. 9, Act," are hereby incorporated in this Act as if every section of incorporated. the said "Ontario Tile Drainage Act" except the first, tenth and eleventh sections thereof were repeated in this Act with the 30 substitution of the words "stone or timber" for the word "tile" wherever such word occurs in the said "Ontario Tile Drainage
- 5. It shall not be necessary to pass separate By-laws under Provisions as the said Act, and under this Act, but two or more of the classes to by-laws. 35 of drainage authorized to be aided under the said Act and this Act may, if the Council think fit, be included in the same By-law, and the amount to be loaned in respect of each kind of drainage may be stated, or the same may be left unstated; in the latter case the Council may afterwards loan 40 the money in such proportions for each kind of drainage

Forms.

6. The forms given in the said Act shall in applying the 5 same to this Act be varied to meet the case, and in the application of the owner, (Schedule D), the inside size of the drain, shall under this Act be given in lieu of the size of the tile.

Mode of Citation.

7. This Act may be cited as "The Ontario Stone and Timber Drainage Act," or this Act and the said first mentioned 10 Act may be cited together as "The Ontario Tile, Stone and Timber Drainage Acts."

First Reading, 17th February, 1879.

An Act to authorize Investments n Act to authorize Investments in Municipal Debentures issued in aid of Stone or Timber Drainage.

Fourth Session, Third Parliament, 42 Vic., 1879.

TORONTO:

MR. WOOD

PRINTED BY C. BLACKETT ROBINSON.

investment.

An Act to authorize Investments in Municipal Debentures issued in aid of Stone or Timber Drainage.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The provisions of the "Ontario Tile Drainage Act," passed Provisions of 5 in the forty-first year of Her Majesty's reign, chaptered nine, are 41 Vic., C. 9, hereby extended to authorize every Township Council to pass extended. By-laws for borrowing money by the sale of debentures of the Municipality, for the purpose of lending the same for stone or timber drainage, in the same manner and subject to the like 10 conditions as such Councils are, by the said Act, authorized to pass By-laws for borrowing money as aforesaid for the purpose of lending the same for tile drainage.

2. The Lieutenant Governor in Council may from time to Purchase of time, in his discretion, invest any part of the sum of Two Debentures by 15 Hundred Thousand Dollars mentioned in the Tenth Section Governor in of the said Act in the purchase of any debentures issued Council under By-laws passed under this Act and deposited with the Commissioner of Agriculture together with the affidavits of the Reeve in the form given in Schedules B. and C. of the said 20 Act, or to the like effect, and in respect of which the Commissioner of Agriculture shall have certified to the propriety of

3. After any such investment has been made the debentures Debentures shall not be questioned, and shall be deemed valid to all intents not to be questioned. 25 and purposes.

- 4. The provisions of the said "The Ontario Tile Drainage 41 Vic., C. 9, Act," are hereby incorporated in this Act as if every section of incorporated. the said "Ontario Tile Drainage Act" except the first, tenth and eleventh sections thereof were repeated in this Act with the 30 substitution of the words "stone or timber" for the word "tile" wherever such word occurs in the said "Ontario Tile Drainage
- 5. It shall not be necessary to pass separate By-laws under Provisions as the said Act, and under this Act, but two or more of the classes to by-laws. 35 of drainage authorized to be aided under the said Act and this Act may, if the Council think fit, be included in the same By-law, and 'the amount to be loaned in respect of each kind of drainage may be stated, or the same may be left unstated; in the latter case the Council may afterwards loan 40 the money in such proportions for each kind of drainage

specified in the By-law as they think fit, or may apply the same to one kind only, and this option may be exercised whether the kinds of drainage are stated in the By-law conjunctively or disjunctively.

Forms.

6. The forms given in the said Act shall in applying the same to this Act be varied to meet the case, and in the application of the owner, (Schedule D), the inside size of the drain, shall under this Act be given in lieu of the size of the tile.

Mode of Citation,

- 7. This Act may be cited as "The Ontario Stone and 10 Timber Drainage Act," or this Act and the said first mentioned Act may be cited together as "The Ontario Tile, Stone and Timber Drainage Acts."
- 8. Section two of the said "Ontario Tile Drainage Act" is hereby amended by striking out all the words after the word 15 "in" in the fifteenth line and substituting the following words therefor, viz.: "Such Newspapers as the Council by Resolution may direct."

Second

First Reading, 17th February, 1879.

Reprinted as Amended.,

An Act to authorize Investments cipal Debentures issued in aid or Timber Drainage. in Muni-of Stone

TORONTO:

PRINTED BY C. BLACKETT ROBINSON

No. 119.7

BILL.

[1879.

An Act to amend the Act respecting Ditching Water Courses.

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

1. Section thirteen of the Act respecting Ditching Water-s. 13 of R.S.O. 5 Courses, chapter one hundred and ninety-nine of the Revised Statutes of Ontario, is hereby repealed, and the following substituted therefor:

In case any Corporation or Company be the owner or Liabilities of occupier of any tract of land provided for by sub-section four Corporations. 10 of section seven of the said Act, or in case any Corporation or Company would be benefited by the construction of such ditch or drain, such Corporation or Company shall be in the same position as an individual owner under said Act, except the same be a Railway Corporation or Company, in which case the 15 fence viewers shall not by their award direct any ditch or drain to be opened across or under the track of such railway, but shall direct that it follow the line of said railway to the culvert across said track nearest to the natural flow of the water through which the said ditch or drain shall be carried.

BILL.

An Act to amend the Act respecting Ditching Water Courses.

First Reading, 17th February, 1879.

MR- McCRANEY.

PRINTED BY C. BLACKETT ROBINSON.

No. 120.]

BILL.

[1879.

An Act to amend "The Railway Act of Ontario."

WHEREAS the Parliament of Canada has made adequate Preamble. provision for certain cases dealt with by the fifteenth and sixteenth sub-sections of the ninth section of "The Railway Act of Ontario;" and whereas it is no longer expedient that 5 certain of the provisions of the said sub-sections should apply to such cases:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The sixteenth sub-section of the ninth section of "The Certain provi-Railway Act of Ontario," and the provisions for the ascer-sions of sub-ss. tainment of compensation contained in the fifteenth sub-9 of R. S. O. section of the said ninth section of said Act, shall no longer c. 165, not to

extend or apply to any Railway incorporated under an Act tain cases.

15 of the Legislature of Ontario, in any case in which it is proposed that such Railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined, or united with a Railway under the Legislative control of Canada.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend "The Railway Act of Ontario."

First Reading, 18th February, 1879.

HON. MR. FRASER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 121.]

BILL.

1878.

An Act to amend the Agriculture and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Revised Statute, respecting Agriculture and Arts, R.S.O., c. 35. 5 chapter thirty-five, section forty-one, is hereby amended by inserting after the word "Directors" in the second line of the said section the words "all of whom shall be resident in the Electoral District."

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Agriculture and Arts Act.

First Reading, 18th February, 1879.

MR. WATTERWORTH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 121.]

BILL.

[1879]

An Act to amend the Agriculture and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Revised Statute, respecting Agriculture and Arts, R.S.o., c. 35. 5 chapter thirty-five, section forty-one, is hereby amended by s. 41 amended. adding thereto the words "and a majority of the Board of Directors so elected shall be residents of the said Electoral District."

TITIO

An Act to amend the Agriculture and Arts Act.

First Reading, 18th February, 1879.
Second " 21st " 1879.

(Reprinted as Amended.)

MR. WATTERWORTH.

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Municipal Act.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Appeals in respect to the equalization of Assessments Equalization 5 shall hereafter be to the County Judge jointly with the Sheriff of assessments. and the Warden of the County, and they shall constitute a Court for that purpose.

(2.) Where any local municipality is dissatisfied with the action Mode of of a County Council in increasing or decreasing, or refusing appeal.

10 to increase or decrease, the valuation of any municipality, the municipality so dissatisfied may appeal from the decision of the Council at any time within ten days after such decision. Such appeal shall be by a notice in writing under the seal of the Municipality, to be either delivered to each member of 15 the Court and the Clerk of the County Court personally,

or left at his residence, office or place of business.

(3.) The said Court shall forthwith appoint a day for hearing manner of the appeal, such day not being later than ten days from the hearing appeal. receipt of such notices of appeal, and may at such time proceed 20 to hear and determine the matter of appeal, either with or without the evidence of witnesses, or with such evidence as they may decide upon having, and may examine witnesses under oath or otherwise, and may adjourn the hearing from time to time; but (except as provided in sections forty-four and 25 forty-six of the Assessment Act, chapter one hundred and eighty of the Revised Statutes) the hearing shall not be adjourned or judgment deferred beyond the first day of August next after the last served notice of the appeal; and the Court shall equalize the whole Assessment of the County, (vide R.

30 S, O., chap. 180, section 68, 41 Vic., chap. 13.)

(4.) Sub-section two of section sixty-eight of the Assessment Sub-s. 2 of s. Act, chapter one hundred and eighty of the Revised Statutes, 68, R.S. O. c.

is hereby repealed.

2. The Council of any County or other municicipality in Rewards by 35 which a flagrant crime is believed to have been committed, municipalities may offer and pay a reward for the discovery, apprehension sion of crimior conviction of the criminal, or of any person who is sus-nals. peeted to be the criminal.

3. No property owner or lessee interested in, or holding Persons in-40 shares or stock in, any Company shall be qualified to vote on a terested in any by-law for the purpose of granting a bonus to the Company of to vote on by-in which he is so interested as aforesaid. in which he is so interested as aforesaid.

same.

R. S. O. c. 4. The seventy-tourth section of the Municipal Act, shall R.S. O. c. 175. apply to members of a Municipal Council to be elected under the Act respecting the establishment of Municipal institutions in the districts of Algoma, Muskoka, Parry Sound, Nipissing. and Thunder Bay, chapter one hundred and seventy-five of the Revised Statutes.

Provisions for enforcing registration of lands in cercases.

Expenses of

registration,

5. Where land in a Township has been or shall hereafter be sold under surveys or sub-divisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel sold cannot be easily identified, 10 and the map or plan has not been registered under the Acts in that behalf, the Council of the Township may at the written request of the Inspector or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincor- 15 porated village; and the expenses attending the getting up and filing of such map or plan shall be paid by a special rate, to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the Council for the purpose of levying such rate; and the municipality shall 20 have the like remedies for the recovery of such expenses as it has for compelling payment of taxes.

See R. S. O., cap. 111, sec. 82, 83, 85, and cap. 146, sec. 70,

71 and 75.

The ATTORNEY-GENERAL

First
Reading,
19th
February,
18

79

An Act to amend the Municipal Act.

Fourth Session, Third Parliament, 42 Vic., 1879.

PRINTED BY C. BLACKETT KOBINSON TORONTO:

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :---

- 1. Sections eventy-four of the Municipal Act is hereby amend-R.S. O. c. 174. 5 ed by inserting after the word "retail" in the ninth line the s. 74 amended. words "no person who is a License Commissioner or Inspector of Licenses, or Police Magistrate," but this Act shall not disqualify any person heretofore elected as a member of any Council for this present year.
- 2. The seventy-fourth section of the Municipal Act, shall R. S. O. c. apply to members of a Municipal Council to be elected under 174 S. 74 R.S. O. c. 175. the Act respecting the establishment of Municipal institutions in the districts of Algoma, Muskoka, Parry Sound, Nipissing. and Thunder Bay, chapter one hundred and seventy-five of the 15 Revised Statutes.
 - 3. Section one hundred and six of the said Act is amended S. 106 amendby inserting the words "at the town hall of such Municipali-ed. ties or at "before the word "such" in the fifth line thereof.
- 4. Section one hundred and seven of the said Act is amend-S. 107 20 ed by inserting the words "at the town hall of the Township amended. or at" before the word "such" in the seventh line thereof.
 - 5. Section one hundred and nine of the said Act is S. 109 amondamended by striking out the words "situate in remote parts of ed. the County" in the fourth line thereof.
- 6. Section one hundred and thirteen of the said Act is amended S. 113 amendby inserting therein immediately after the word "meeting," in ed. the first line thereof, the words "or at any time thereafter before the polling day."

7. The following shall be added to section two hundred S. 247 30 and forty-seven of the said Act as sub-section one:

1. In case of the death of a County Treasurer the Warden for Appointment the time being may, by Warrant under his hand and seal, treasurer. appoint a Treasurer pro tem. for such special purpose or purposes as the Warden may deem necessary, who shall hold office 35 until the next meeting of the Council, and all acts performed by him authorized by said Warrant shall be as valid and

binding as if performed by a Treasurer regularly appointed; Provided always that the Warden shall in and by such warrant Proviso. of appointment direct what security shall be given by such

Treasurer pro tem. for the faithful performance of his duties and especially for duly accounting for and paying over all moneys which may come into his hands, and he shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased 5 Treasurer until a proper audit shall be made.

S. 319, repealed

8. Section three hundred and nineteen of the said Act is and new section substitut. hereby repealed, and the following substituted therefor:

Every promulgation of a by-law shall consist in the publication through the public press, of a true copy of the by-law, 10 and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper published either within the Municipality, or in the County Town, 15 or in a public newspaper published in an adjoining local municipality, as the Council may by resolution designate, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks.

Sub-ss. 3, 4, 5 of s. 230 repealed and new sub-sectionssubstitut

9. Sub-sections three, four and five, of section three hundred and thirty, are hereby repealed, and the following sub-sections substituted therefor:

3. The by-law shall settle a specific sum to be raised annually for Sinking Fund, which sum shall be sufficient irrespective of 25 any interest on investments, to meet the debentures when due.

4. The by-law shall also provide that such a sum shall be raised annually as will be sufficient together with any interest accruing due on investments of the Sinking Fund, to meet the interest payable on the debentures during the year.

5. The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the ratable property in the Municipality; or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law, or per foot frontage, as 35 the case may be.

10. Sections (d) and (e) of sub-section six of section three hundred and thirty of the said Act are hereby repealed, and the following is substituted for said section (d):

(d). The amount of the existing debenture debt of the Muni- 40 cipality, and how much (if any) of the principal or interest is in arrear.

Sub-s. (d) of s. 331 repealed.

11. Sub-section (d) of section three hundred and thirty-one, of the said Act is hereby repealed.

Sub-s. 2 of s. 332 resub-section substituted.

12. Sub-section two of section three hundred and thirty-two $\overline{45}$ of s. 352 repealed and the following substituted therefor:

2. Such by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instal-50 ments of principal and interest accruing due on such debt, as the said instalments and interest become, respectively, payable according to the terms of the by-law; and in cases within this

section it shall not be necessary that any provision be made for a sinking fund.

- 13. Section three hundred and ninety-three of the said Act S. 393 amend is hereby amended by inserting the words "covenant or agree5 ment," after the words "note or notes," and before the words "to be given in security therefor," occurring at the end thereof.
- 14. Section four hundred of the said Act is hereby amended S. 400 amend-by introducing the words "and with or without hard labour," ed. after the words "thirty days," in the tenth line of the said 10 section.
- 15. Section four hundred and forty-two of the said Act is S. 442 amendamended by striking out all the words in the said section after ed. the word "courts," in the ninth line, and adding the following: "and shall provide proper offices, together with fuel, light, and 15 furniture for all officers connected with such courts, other than Official Assignees."
- 16. Section four hundred and forty-five of the said Act is S. 445 amendamended by adding next after the word "Courts" in the tenth ed. line thereof, the words "and all other charges relating to 20 Criminal Justice, payable by the County in the first instance, except Constables' fees and disbursements, and charges connected with Coroners' inquests, and such other charges as the Counties are entitled to be repaid by the Province."

(2.) The said section is further amended by adding thereto

25 the following words:

- "And the Corporation of any county and city or town separated are hereby declared to have respectively insurable interests in the Court House and gaol of the county and the furniture thereof in the proportions in which they shall for the 30 time being be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for the said Gaol and Courts of Justice, and for all officers connected with such courts, and any such corporation may insure its said interest 35 accordingly."
 - 17. Sub-section fourteen of section four hundred and fifty-Sub-s. 14 of s. four of the said Act is hereby amended by introducing the words 454 amended. "with or without hard labour," after the words "six months," in the tenth line of the said section.
- 40 18. Section four hundred and sixty of the said Act, is S. 460 hereby amended by adding the word "Township," immediately amended. after the word "Town" in the first line of the said section.

(2.) The said section is further amended by adding the following as sub-section (a) immediately after said section:

- 45 (a.) For granting aid by way of boous for or towards the construction of Harbours, Wharves, Docks, Slips, and necessary Beacons, on any River, Lake, or navigable water, passing in, through or forming any part of the boundary of a County whether such bonus be given by such County or by a City, 50 Town, Township, or incorporated Village situate therein, and to
- pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said Municipality may deem

expedient, but no such By-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of By-laws for creating debts; and any Municipality granting such aid may take and receive of and from such person or body corporate, receiving any such 5 aid, security for the compliance with the terms and conditions upon which such aid is given.

S. 466 amend-

19. Section four hundred and sixty-six of the said Act is hereby amended by adding thereto the following as sub-section fourteen:-

14. "And also for granting annually, or oftener, licenses for the sale of fresh meat in quantities of less than one hundred pounds, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license fee not exceeding fifty dollars in cities and twenty-five 15 dollars in towns and incorporated villages to be paid for such license, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than one hundred pounds unless by a person holding a valid license and in a place authorized by the council, but nothing herein con- 20 tained shall affect the powers conferred in sub-section six of the said section.

Sub-s. 53 of s. 466, repealed and new subtuted.

20. The fifty-third sub-section of section four hundred and sixty-six of the said Act is hereby repealed and the following section substi- is substituted therefor:

> For licensing, regulating, and governing transient traders and other persons who occupy premises in the city or town, or incorporated village, for temporary periods, and whose names have not been duly entered on the Assessment Roll in respect of income or personal property for the then current year; and 30 who may offer goods or merchandise of any description for sale by auction conducted by themselves or by a licensed auctioneer or otherwise; but no such by-law shall affect, apply to, or restrict the sale of the stock of an Insolvent Estate which is being sold or disposed of within the County in which the Insolvent 35 carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment.

Trader's license fee.

21. In all cases where, under the provisions of "The Municipal Act" as amended, or of this Act, or of any other Act, the Council of any County, City, Town, incorporated Village, or 40 Township, or the Board of Commissioners of Police, in any City. or either of them, is or are authorized to pass By-laws for licensing any trade, calling, business or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the said Council and the said Board of Commissioners 45 of Police, respectively, shall have the power, and they are respectively hereby authorized to pass By-laws to fix the sum to be paid for any such license for exercising any such trade, calling, business, or profession in the Municipality, and enforcing the payment of such license fee, and determining the time 50 the license shall be in force.

By-laws determining number of police and heir pay.

22. Notwithstanding anything in the said Municipal Act contained, in Cities containing a population of not more than fifteen thousand persons the Councils may, by By-law, fix and determine the number of men who shall constitute the Police Force 55

of such Cities; and may also, by By-law, fix and determine the remuneration for and to the respective members of the Force, and the Board of Police Commissioners shall observe the terms of any such By-law. The population may be ascertained by refer-5 ence to the latest enumeration made by the assessors, or to the general census returns. whichever shall be latest in point of time.

23. Every special assessment made and every special rate Special rates imposed and levied under any of the provisions of the said a charge on 10 "Municipal Act," and all sewer rates and charges for work or services done by the Corporation, on default of the owners of real estate, under the provisions of any valid By-law of the Council of the said Corporation, shall form a lien and charge upon the real estate! upon, or in respect, of which the same shall 15 have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of the Assessment Act.

- 24. Sub-section two of section five hundred and twenty-nine S. 529, sub-s. 20 of the said Act is hereby amended by adding the words "in-2 ameneded. cluding the costs of arbitration, if any," after the word "amount" in the fifth line of said sub-section.
- 25. Section five hundred and thirty-one of the said Act is S. 531 repealed hereby repealed, and the following is substituted therefor, and new section substituted 25 viz.:-

Before the final passing of the by-law it shall be published once, or oftener, in every week for four weeks in such newspaper published either within the Municipality or in the County Town, or in a public newspaper published in an adjoining local 30 Municipality, as the Council may by resolution designate, together with a notice that any one intending to apply to have such bylaw or any part thereof quashed, must, within ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Munici-35 pality, of his intention to make application for that purpose to one of Her Majesty's Superior Courts of Law, at Toronto, during the term next ensuing the final passing of the by-law.

- 26. Section five hundred and forty-one of the said S. 541 amen Act is hereby amended by adding the words "nor any rate-ed. 40 payer or person or persons interested in the construction of any such deepening or drainage," immediately after the word "specification" in the fifth line of the said section.
- 27. Notwithstanding anything in the "Municipal Act" con- Contracts for tained, it shall and may be lawful for the Council of any City or certain pur-45 Town to make and enter into contracts for lighting the streets, ized. public squares, slips, wharves, docks, and other public places, and for the construction, maintenance and repair of roadways, pavements, and other such local improvements and works, extending over a term of years, proportionate in the latter case to the 50 average duration of such improvements or works, or for any shorter period upon such terms, and subject to such conditions, provisoes and agreements as they may deem necessary and proper to secure the due and proper fulfilment of such contracts.

Provided that, in no such case shall any such contract ex- Proviso.

tend over or beyond the term or period of ten years, and that every such contract is approved by the vote of at least threefourths of all the members of the Council, the "ayes" and "nays" having been duly taken and recorded.

Township may acquire land or Village.

28. Any township having a town or incorporated village 5 within or partly within its original boundaries, may pass byfor a Town Within or partly within its original boundaries, may pass by-Hallin a Town laws for acquiring lands within such town or village for the purpose of erecting thereon a Town Hall or for renting or acquiring a hall within such town or village for the purpose of a Town

be held and

29. Any township owning, renting, or otherwise acquiring such Town Hall in any such village may hold any meeting, notices posted nomination, or election, or post any notice, assessment roll, or voters list or do any other act required by law to be held, posted or done in the townships at such Town Hall.

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Rewards by municipalities for apprehen-sion of criminals.

20. The Council of any County or other municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward for the discovery, apprehension or conviction of the criminal, or of any person who is suspected to be the criminal.

Damages by animals trespassing.

31. In the Provisional Judicial District of Algoma, and the Territorial Districts of Muskoka and Parry Sound, no damages shall be recovered in respect of injuries committed upon any land by horses, cattle, sheep or swine, straying upon such land, unless the animal so straying was running at large contrary to a 25 municipal bylaw in that behalf; and where no by-law, prohibiting or regulating the running at large of the class of animals to which the animal trespassing belongs, is in force in the municipality, township, or place, then no such damages shall be recovered unless such animal has broken through or jumped over a fence 30 then being in reasonably good order and of the height of four and one-half feet; but this section shall not apply to unruly or breachy animals.

Equalization of assessments.

32. Appeals in respect to the equalization of Assessments shall hereafter be to the County Judge jointly with the Sheriff 35 and such third person as the County Council may appoint, and they shall constitute a Court for that purpose. The appointment of such third person may be made at the first meeting of the Council in the year, but he shall not be a member of the County Council, nor of any other Municipal Council, nor an officer of 40 any Municipal Corporation.

Mode of appeal.

(2.) Where any local municipality is dissatisfied with the action of a County Council in increasing or decreasing, or refusing to increase or decrease, the valuation of any municipality, the municipality so dissatisfied may appeal from the decision of 45 the Council at any time within ten days after such decision. Such appeal shall be by a notice in writing under the seal of the Municipality, to be either delivered to each member of the Court and the Clerk of the County Court personally, or left at his residence, office or place of business.

Time and manner of hearing appeal.

(3.) The said Court shall forthwith appoint a day for hearing the appeal, such day not being later than ten days from the receipt of such notices of appeal, and may at such time proceed to hear and determine the matter of appeal, either with or

without the evidence of witnesses, or with such evidence as they may decide upon having, and may examine witnesses under oath or otherwise, and may adjourn the hearing from time to time; but (except as provided in sections forty-four and 5 forty-six of the Assessment Act, chapter one hundred and eighty of the Revised Statutes) the hearing shall not be adjourned or judgment deferred beyond the first day of August next after the last served notice of the appeal; and the Court shall equalize the whole Asssessment of the County, (vide R. 10 S, O., chap. 180, section 68, 41 Vic., chap. 13.)

(4.) Sub-section two of section sixty-eight of the Assessment Sub-s. 2 of s. Act, chapter one hundred and eighty of the Revised Statutes, 68, R. S. O. c

is hereby repealed.

33. No property owner or lessee interested in, or holding Persons in-15 shares or stock in, any Company shall be qualified to vote on a terested in any Company not by-law for the purpose of granting a bonus to the Company to vote on by-law aiding in which he is so interested as aforesaid.

34. Where land in a Township has been or shall hereafter be Provisions for sold under surveys or sub-divisions made in a manner which enforcing re-20 so differs from that in which such land was surveyed or granted lands in cerby the Crown, that the parcel sold cannot be easily identified, cases. and the map or plan has not been registered under the Acts in that behalf, the Council of the Township may at the written re-

quest of the Inspector of Registries, or of any person interested, 25 cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated village; and the expenses attending the getting upand Expenses of filing of such map or plan shall be paid by a special rate, to registration,

be levied by assessment on the lands comprised in said map or &c. 30 plan, as described in a by-law to be passed by the Council for the purpose of levying such rate; and the municipality shall have the like remedies for the recovery of such expenses as it

has for compelling payment of taxes.

See R. S. O., c. 111, ss. 82, 83, 85, and c. 146, ss. 70, 71 and 75.

THIR

An Act to amend the Municipal Act.

(Reprinted as Amended.)

First Reading, 19th February, 1879.
Second " 24th " 1879.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:-

1. All the territory within Ontario lying west of the present Limits of Dis-5 easterly boundary of the territorial district of Thunder Bay, trict of Thunder Bay. namely, the meridian of eighty-seven degrees of west longitude, shall be part of the territorial district of Thunder Bay; and for the same purposes as the said district is part of the Provisional Judicial District of Algoma, all the said territory is and shall 10 continue to be part of such Provisional Judicial District; but for the purposes of registration the said district of Thunder Bay shall not extend further west than a line drawn due north and south through the most easterly point of Hunters' Island, being the line known as the Provisional Westerly Boundary 15 Line of Ontario, and hereafter styled the meridian of Hunters' Island.

2. All the territory within Ontario lying south of the height Limits of of land separating the waters which flow into Hudson's Bay Algoma. from those which flow into Lake Superior and the Georgian 20 Bay, and between the said meridian of eighty-seven degrees of west longitude and the present easterly boundary of the District of Algoma, namely, a line drawn due north from the most westerly mouth of French River, shall be and is part of the provisional judicial District of Algoma, and the said District of 25 Algoma east of the said meridian of eighty-seven degrees of west longitude shall not hereafter extend northerly beyond the said height of land.

3. All the territory within Ontario lying to the east of the Limits of Dissaid meridian of eighty-seven degrees of west longitude and truct of Nipissaid meridian of eighty-seven degrees of west longitude and sing. 30 north of the said height of land, and also all the territory within Ontario lying east of the said line drawn due north from the most westerly mouth of French River and north of the southerly boundary of the temporary judicial District of Nipissing shall belong to and be part of the said District of Nipissing.

4. The Lieutenant-Governor may from time to time appoint for each of the said districts of Thunder Bay and Nipissing, as so constituted, an additional stipendiary magistrate, who shall Stipendiary hold office during pleasure; and the stipendiary magistrate so Magistrates appointed for Thunder Bay shall exercise within such district pointed. 40 the magisterial, judicial and other functions provided for in the 38 Vic. c. 49, Revised Statute respecting the territorial Districts of Muskoka, ss. 61 and 62, (D).

Parry Sound and Thunder Bay; and the stipendiary magistrate so appointed for the District of Nipissing shall exercise within such district the magisterial, judicial and other functions provided for in the Revised Statute respecting the administration of justice in unorganized tracts.

"Stipendiary Magistrate' defined.

5. The expression "Stipendiary Magistrate," wherever it occurs in either of the said statutes, shall be taken to apply to any stipendiary magistrate appointed for the district under R. S. O. c. 90, the provisions of the said Acts or of this Act; and the Lieutenant-Governor in council may, from time to time, make 10 such regulations as he considers expedient, in order to secure the due and convenient holding of Division Courts within the said districts.

38 Vic. c. 49,

Jurisdiction of 6. Subject to the exceptions in the home shall, in addition 15 District Court the District Court of the District of Algoma shall, in addition 15 to its present jurisdiction, have jurisdiction and hold plea

(1.) In all personal actions where the amount claimed does

s. 71, sub-s. 1, (1.) In all personal actions when and 40 Vic. not exceed four hundred dollars. s. 8 (D); R. S. O. c. 90, s. 39. (2.) In all actions and suits respectively. (2.) In all actions and suits relating to debt, covenant and contract, where the amount or balance claimed does not exceed 20 eight hundred dollars.

Provided always as to the additional jurisdiction so hereby conferred that the contract was made within Algoma, or the cause of action arose therein, or the defendant resides therein.

(3.) For the recovery of the possession of real estate in the 25

said District.

(4.) In replevin, where the value of the goods or other property or effects distrained, taken or detained does not exceed the sum of four hundred dollars, and the goods, property or effects to be replevied are in the said District. 30

Exceptions to jurisdiction.

7. But the said District Court shall not have jurisdiction in any of the following cases:

38 Vic. c. 49, s. 71, sub-s. 2, and 40 Vic. s. 8 (D); R. S. O. c. 90, s- 14. (1.) Actions for a gambling debt; or upon a note of hand or other document given wholly or partly in consideration of

(2.) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage, if the damages sought to be recovered exceed two hundred dollars.

(3.) Actions against a Justice of the Peace for anything done by him in the execution of his office, if the damages claimed 40 exceed one hundred dollars.

Jurisdiction in Division Courts.

- 8. A Stipendiary Magistrate of Thunder Bay holding a Division Court within that portion of Thunder Bay lying west of the said meridian of Hunter's Island, or a Stipendiary Magistrate of the District of Nipissing holding a Division Court within that 45 portion of Nipissing lying to the north of the height of land between the waters flowing into Hudson's Bay and the waters flowing southerly, may, subject to the restrictions hereinafter mentioned, hold plea of, and may hear and determine in a summary way for or against persons, bodies corporate or 50 otherwise, any dispute or demand as hereinafter mentioned:
- (1.) In all personal actions where the amount claimed does not exceed one hundred dollars, (except as in the next section excepted).

(2.) In all causes and suits relating to debt, contract, and R. S. O. c. 90 covenant, where the amount or balance claimed does not exceed 8. 16. two hundred dollars, or, if the amount is ascertained by the signature of the defendant, to the sum of four hundred dollars.

Provided always that the contract or covenant was made within the said portion of the District of Thunder Bay or Nipissing in which the Court is held, or the cause of action arose

therein, or the defendant resides therein.

(3.) In certain actions for the recovery of the possession of R. S. O. c. 43 10 lands or other corporeal hereditaments situated in the said por- 8. 20. tion of the District aforesaid in which the Court is held, and the yearly value of which lands or hereditaments, or the rent payable in respect whereof, does not exceed one hundred dollars, that is to say:

(a) Where the term and interest of the tenant of any such corporeal hereditament has expired, or has been determined by

the landlord or the tenant, by a legal notice to quit;

(b) Where the rent of any such corporeal hereditament is sixty days in arrear, and the landlord has the right by law to

20 re-enter for non-payment thereof;

And in respect to such actions the said Courts shall have and exercise the same powers as belong to and as may be exercised by the Superior Courts of Common Law in and in respect to actions of ejectment.

(4.) In replevin, where it is made to appear that the value of the goods or other property or effects distrained, taken, or detained, does not exceed the sum of one hundred dollars, and the goods, property or effects to be replevied are in the said portion of the District in which the Court is held.

9. But the said Stipendiary Magistrate shall not have juris- Exceptions to jurisdiction. diction in any of the following cases: 38 Vic. c. 49,

(2.) Actions for any gambling debt.

(2.) Actions for any debt incurred for spirituous or malt (D); R. S. O. (a. 43, s. 18, c. 47, s. 53, and (3.) Actions on notes of hand or other documents given c. 90, s. 14. liquors.

wholly or partly in consideration of a gambling debt or for spirituous or malt liquors.

(4.) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage.

(5.) Actions against a Justice of the Peace for anything done by him in the execution of his office, if he objects thereto.

10. The Lieutenant-Governor may from time to time appoint, Lieutenantunder the Great Seal, an additional officer for the District Governor may appoint a Court of the Provisional Judicial District of Algoma, to be Deputy Clerk 45 called the Deputy Clerk for Thunder Bay, who shall keep his for Thunder office in such place within the District of Thunder Bay as the Lieutenant-Governor shall direct.

(2.) In case after an appointment has been made a vacancy Clerk of First occurs in such office, the Clerk of the First Division Court of Division Court of Thun50 Thunder Bay shall, ex officio, be such Deputy Clerk until der Bay to act

another appointment is made.

(3.) Such Deputy Clerk shall issue writs for the commence-office vacant. ment, in the District of Thunder Bay, of actions in the said Duties of 55 District Court; and, in respect of actions commenced by the issue Deputy Clerk. of such writs out of his office and of proceedings therein, such Deputy Clerk shall perform the like duties and shall have the like powers and rights as are performed or possessed by the Clerk of the said District Court at Sault Ste. Marie in respect

as Deputy Clerk when

of actions commenced by writs sued out of his office and of proceedings therein, and the said Deputy Clerk shall also issue such other writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court, and may renew any such writs as by law may be 5

Writ of capias not to be executed out of District.

(4) No writ of capias issued under the next preceding section, shall be executed outside of the District of Thunder Bay; and every writ of capias so issued shall be marked by the Clerk, as follows: "Only to be executed within the District of 10 Thunder Bay;" but this shall not prevent a copy of such writ

Seal of Court.

of capias being served at any place within Ontario. (5.) The Deputy Clerk of the said District Court shall have the custody of a seal in design similar to the seal of the Court in the custody of the Clerk at Sault St. Marie, and the said 15 Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said Court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said Court.

Issue of writ and venue in actions of ejectment.

11. In ejectment for lands situated in Thunder Bay 20 or in any other action in the said District Court where the venue is local, and the cause of action arose in the District of Thunder Bay, the writ shall be issued out of the office of the said Deputy Clerk, and the venue shall be laid in the Territorial District of Thunder Bay, but the Judge may if he sees fit, 25 change the venue in any action.

Time allowed for appearance;

12. The time allowed for appearance to a writ of summons issued as aforesaid for service within Ontario, or to a writ of capias or replevin issued as aforesaid, shall be twenty days after the service of the writ inclusive of the day of such 30 service.

for putting in special bail;

(2.) The time allowed in any writ of capias issued as aforesaid, for putting in special bail, shall be thirty days, inclusive of the day of execution, unless a different time is fixed by the 35 order for the writ.

in ejectment.

(3.) The time allowed for appearance to any writ of ejectment issued as aforesaid, shall be thirty days, inclusive of the day of service.

jurisdiction Magistrate of Thunder Bay.

13. The Stipendiary Magistrate of Thunder Bay, may, subject of Stipendiary to an appeal to the Judge, do all such things, and transact all 40 such business, and exercise all such authority and jurisdiction in respect of the same, as by virtue of any Statute or custom, or by the rules and practice in force in the said District Court, are now done, transacted, or exercised by the said Judge sitting at Chambers, except (unless by consent of the parties) in respect 45 of the following proceedings and matters, that is to say:-

(a.) The referring of causes under the Common Law Pro-

cedure Act.

(b.) Reviewing taxation of costs.

(c.) Staying proceedings between verdict and judgment. (2.) In such excepted matters, the said Stipendiary Magis-

trate may issue a Summons, returnable before the Judge, with or without a stay of proceedings, as he may think proper.

(3.) In case any matter shall appear to the said Stipendiary Magistrate to be proper for the decision of the Judge, the Sti- 55 pendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back

to the Stipendiary Magistrate with such directions as he may think fit.

(4.) Appeals from the Stipendiary Magistrate's order or decision shall be made by summons, such Summons to be taken 5 out within ten days after the decision complained of, or within such further time as may be allowed by the Judge or by the said Stipendiary Magistrate.

(5.) An appeal shall be no stay unless so ordered by the Judge,

or Stipendiary Magistrate.

(6.) The costs of an appeal shall be in the discretion of the 10

Judge.

(7.) The fees and the scale of allowance thereof for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before

(8.) The Stipendiary Magistrate in granting any summons or order may impose upon the party obtaining the same, such

terms or conditions as he deems expedient.

(9.) Either party may as of right upon giving twenty days notice to the opposite party have the taxation of costs by the 20 Deputy-Clerk revised by the Clerk at Sault Ste Marie.

Costs in cortain cases.

14. Where the amount claimed in any action in the said District Court, or where in the case of ejectment or replevin the subject matter of the action, as appearing in the writ in 25 ejectment or in the affidavit filed to obtain the writ in replevin, is beyond the jurisdiction of the County Courts in other parts of Ontario, costs to a successful defendant shall be taxed upon the Superior Court scale; and in like manner where the plaintiff recovers in respect to a cause of action beyond the 30 jurisdiction of the said County Courts, costs shall be taxed to him on the Superior Court scale, subject however to his obtaining the certificate or order of the Judge where under the Common Law Procedure Act such certificate or order is required in Costs of abthe Superior Courts.

(2.) In respect to any action within the provisions of the 35 next preceding section the Attorney of a successful plaintiff shall be entitled to charge his client County Court costs only unless he was instructed in writing by such client to sue in respect to a matter beyond the jurisdiction of the said County Courts, in which case the said Attorney shall be entitled to 40 charge costs upon the Superior Court scale.

Lieutenant-

45 to take effect at a subsequent time to be notified in the Ontario Sec. 13 and Gazette;

(2.) And from the time such appointment takes effect, the repealed from thirteenth section of the Revised Statute respecting the Territime of appointment. torial Districts of Muskoka, Parry Sound and Thunder Bay, 50 and all of the twelfth section of the said Statute after the word "Simcoe" shall stand repealed; and the said Thunder Bay shall

thenceforth cease to form a part of the bailiwick of the Sheriff Writs to whom to be directed.

(3.) All writs and other process requiring to be directed to 55 a Sheriff and intended to be executed within the said District of Thunder Bay shall be directed to the said Sheriff of Thunder Bay;

of the District of Algoma.

affect certain contained, shall not prevent the Sheriff of Algoma from proceed-sheriff of Al. ing upon, and completing the execution ing upon, and completing the execution or service within the said District of Thunder Bay, of any writ of mesne or final process in his hands at the time of such repeal, or any renewal thereof, or 5 any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of the said Sheriff of Algoma in respect of these matters shall be valid in the same manner and to the same extent as if 10 this Act had not been passed, and no further.

Cap. 16, R. S. O., to apply.

(5.) The Revised Statute respecting the office of Sheriff shall apply to the said Sheriff of Thunder Bay, except that it shall not be necessary for the Sheriff to justify in a sum greater than two thousand dollars over and above his just debts, nor 15 shall it be requisite that such Sheriff shall be possessed of real estate to the said amount.

Sheriff not remileage paid.

(6.) Neither the Sheriff of Algoma nor the Sheriff of quired to effect Thunder Bay shall be required to execute or serve any writ, paper or proceeding for any party other than the Crown, until 20 an amount reasonably sufficient to cover his mileage in travelling for the purpose of executing or serving the writ, paper, or proceeding is paid or tendered to him, unless the distance to be travelled for the purpose of such execution or service is less than ten miles.

Provision in case distance less than ten miles.

(7.) Where the distance is less than ten miles no such Sheriff shall be required to execute or serve such writ, paper, or proceeding without such reasonable sum as aforesaid being paid or tendered him if he has previously notified the Attorney, Solicitor, or party whose name is endorsed on such writ, paper, 30 or proceeding, or by whom such service is required, that prepayment of mileage will be required before execution or service of any writ, paper, or proceeding which such Attorney, Solicitor or party may desire to have served.

Time for sales of land limited. R. S. O. c. 175, s. 31.

(8.) No Sheriff, Deputy-Sheriff, or other officer shall sell or 35 expose for sale under Execution, any lands or tenements in the District of Algoma, except during the months of July, August, September, or October.

Stipendiary Magistrate may state case for Court of Appeal. R. S., O., cap, 50, s. 211.

16. The Stipendiary Magistrate upon the trial of any cause where the amount claimed is over two hundred dollars, or 40 where the matters in dispute relate to the title of real estate, may find the facts, and state his finding thereon in the form of a special case for the opinion of the Court of Appeal; and in such case after delivering to the parties to the cause a copy of such special case, he shall forthwith transmit the same by re- 45 gistered letter to the Registrar of the Court, and shall delay the delivery of judgment in such cause until the Court shall have certified by rule, order, or certificate, its judgment upon the said special case.

Allowance of costs to successful party.

(2.) The Stipendiary Magistrate in any such case may, if he 50 thinks fit, allow to the successful party, such sum as he may consider reasonable to cover the costs of procuring the judgment of the Court in the said special case, having regard to fees taxable in such Court, but he shall in no case allow a larger sum for such costs than one hundred dollars.

New trial in certain cases. R. S., O., ch. 47, s. 107.

(3.) Where a verdict is rendered for a larger sum than one hundred dollars, or is in respect to a question of title to land or other corporeal hereditaments, the Stipendiary Magistrate may, within three months of the entry of judgment, upon good grounds being shown, grant a new trial upon such terms

as he may think reasonable and just.

(4.) In all cases heard before the Stipendiary Magistrate Evidence, &c. 5 where the amount claimed is two hundred dollars or to be noted and upwards, or where the title to land or other corporeal furnished to hereditaments is in question, the stipendiary magistrate parties if required, shall take full notes of the evidence given at the trial, and R. S., O., cap. of all objections taken to the reception of any evidence, and of 50, s. 189.

10 his rulings in respect thereof, and of his charge to the jury, in case a jury is empanelled, and shall upon payment therefor being made at the rate of ten cents per folio of one hundred words, to cover the cost of copying, deliver to either of the parties requiring the same a copy of such notes.

(5.) If in any case mentioned in the preceding section where When appeal

any party to a cause (as that expression is defined by the thirty-lies. fourth section of the Revised Statute of Ontario, chapter forty-R. S., O., c. three) is dissatisfied with the decision of the magistrate upon c. 90, s. 25, 38 any point which he may reserve at the trial for subsequent con-Vic. c. 49 s. 73 sideration or upon any point of law arising upon the case or re-

20 sideration, or upon any point of law arising upon the case, or respecting the reception or rejection of evidence, or is dissatisfied with his charge to the jury, or with his decision upon any motion for a non-suit or for a new trial, such party may appeal to the Court of Appeal.

(6.) In such case the Stipendiary Magistrate on the applica- Stay of protion of the appellant, his counsel, attorney, or agent may stay eeedings. proceedings in the cause for a time not exceeding thirty days R. S. O., c. in order to afford the appellant time to give the security herein-43, s. 36. after required to enable him to appeal, but no such order stay-

30 ing proceedings shall be made except within six months after

the entry of judgment.

(7.) The proceedings to be thereafter taken in an appeal, Proceedings in including the form and amount of bond or other security, and Appeal. the certifying of the case to the Court of Appeal, shall be the R. S., O., cap. 35 same, as nearly as may be, as the proceedings to be taken in c. 90, s. 25.

County Court Appeals under the said Revised Statute, chapter forty-three. (8.) When the security has been perfected and allowed, the Stay of Pro-Stipendiary Magistrate shall, upon the application of the appel-ceedings.

40 lant, stay proceedings until the appeal is disposed of.

17. In case at the time that the proceedings are certified to Directions by the Court of Appeal any part of the judgment has been paid or Court of collected, or in case of ejectment if the plaintiff has been put in Appeal in cossession of the property the fact shall be certified to the Count certain cases. possession of the property, the fact shall be certified to the Court

45 of Appeal and the said Court shall give such directions to the R. S. O., cap. Court below as the exigency of the case may require, and the 38, s. 28. Stipendiary Magistrate shall make order or give judgment in accordance with such direction, and the same may be enforced by writs of execution issued out of the Division Court.

18. Every judgment of the said Division Courts may be Enforcing enforced by writs or other process framed in accordance with judgment. the requirements of the case, and similar in form to writs or 38 Vic. c. 49, other process for like purposes issued out of the Superior (D)

19. Every Stipendiary Magistrate of the district of Thunder Jurisdiction in Bay or Nipissing, may exercise the authority conferred upon case of over-holding tenCounty Court Judges by the Revised Statute respecting overholding Tenants.

Act to be construed partly with R. S. O. c. 90, and partly with R. S. O. c. 7

20. The provisions of this Act, so far as they relate to the Districts of Algoma and Nipissing, shall be construed as part of the Revised Statute respecting the administration of justice 5 in unorganized tracts, and so far as they relate to the District of Thunder Bay, they shall be construed as part of the said Revised Statute respecting the Territorial Districts of Muskoka, Parry Sound, and Thunder Bay.

Fourth Session, Third Parliament, 42 Vic., 1879.

An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:-

1. All the territory within Ontario lying west of the present Limits of Dis-5 easterly boundary of the territorial district of Thunder Bay, der Bay. namely, the meridian of eighty-seven degrees of west longitude, shall be part of the territorial district of Thunder Bay; and for the same purposes as the said district is part of the Provisional Judicial District of Algoma, all the said territory is and shall 10 continue to be part of such Provisional Judicial District; but for the purposes of registration the said district of Thunder Bay shall not extend further west than a line drawn due north and south through the most easterly point of Hunters' Island, being the line known as the Provisional Westerly Boundary 15 Line of Ontario, and hereafter styled the meridian of Hunters' Island.

2. All the territory within Ontario lying south of the height Limits of of land separating the waters which flow into Hudson's Bay Algoma. from those which flow into Lake Superior and the Georgian 20 Bay, and between the said meridian of eighty-seven degrees of west longitude and the present easterly boundary of the Distriet of Algoma, namely, a line drawn due north from the most westerly mouth of French River, shall be and is part of the provisional judicial District of Algoma, and the said District of 25 Algoma east of the said meridian of eighty-seven degrees of west longitude shall not hereafter extend northerly beyond the said height of land.

3. All the territory within Ontario lying to the east of the Limits of Dissaid meridian of eighty-seven degrees of west longitude and truct of Nipissaid. 30 north of the said height of land, and also all the territory within Ontario lying east of the said line drawn due north from the most westerly mouth of French River and north of the southerly boundary of the temporary judicial District of Nipissing shall belong to and be part of the said District of Nipissing.

4. The Lieutenant-Governor may from time to time appoint for each of the said districts of Thunder Bay and Nipissing, as so constituted, an additional stipendiary magistrate, who shall Stipendiary hold office during pleasure; and the stipendiary magistrate so Magistrates appointed for Thunder Bay shall exercise within such district pointed. 40 the magisterial, judicial and other functions provided for in the 38 Vic. c. 49, Revised Statute respecting the territorial Districts of Muskoka, SS. 61 and 62, (D).

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"Stipendiary Magistrate defined.

5. The expression "Stipendiary Magistrate," wherever it occurs in either of the said statutes, shall be taken to apply to any stipendiary magistrate appointed for the district under R. S. O. c. 90, the provisions of the said Acts or of this Act; and the Lieutenant-Governor in council may, from time to time, make 10 such regulations as he considers expedient, in order to secure the due and convenient holding of Division Courts within the said districts.

Jurisdiction of of Algoma.

6. Subject to the exceptions in the next section contained, District Court the District Court of the District of Algoma shall, in addition 15 to its present jurisdiction, have jurisdiction and hold plea

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Exceptions to jurisdiction.

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(1.) Actions for a gambling debt; or upon a note of hand s. 71, sub-s. 2, (1.) Actions for and 40 Vic. or other documents. 8 (D); R. S. O. c. 90, s- 14. a gambling debt. or other document given wholly or partly in consideration of

(2.) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage, if the damages sought to be recovered exceed two hundred dollars.

(3.) Actions against a Justice of the Peace for anything done by him in the execution of his office, if the damages claimed 40 exceed one hundred dollars,

Jurisdiction in Division Courts.

- 8. A Stipendiary Magistrate of Thunder Bay holding a Division Court within that portion of Thunder Bay lying west of the said meridian of Hunter's Island, or a Stipendiary Magistrate of the District of Nipissing holding a Division Court within that 45 portion of Nipissing lying to the north of the height of land between the waters flowing into Hudson's Bay and the waters flowing southerly, may, subject to the restrictions hereinafter mentioned, hold plea of, and may hear and determine in a summary way for or against persons, bodies corporate or 50 otherwise, any dispute or demand as hereinafter mentioned:
- (1.) In all personal actions where the amount claimed does not exceed one hundred dollars, (except as in the next section excepted).

(2.) In all causes and suits relating to debt, contract, and R. S. O. c. 90 covenant, where the amount or balance claimed does not exceed s. 16. two hundred dollars, or, if the amount is ascertained by the signature of the defendant, to the sum of four hundred dollars.

Provided always that the contract or covenant was made within the said portion of the District of Thunder Bay or Nipissing in which the Court is held, or the cause of action arose

therein, or the defendant resides therein.

(3.) In certain actions for the recovery of the possession of R. S. O. c. 43 10 lands or other corporeal hereditaments situated in the said por- s. 20. tion of the District aforesaid in which the Court is held, and the yearly value of which lands or hereditaments, or the rent payable in respect whereof, does not exceed one hundred dollars, that is to say:

(a) Where the term and interest of the tenant of any such corporeal hereditament has expired, or has been determined by

the landlord or the tenant, by a legal notice to quit;

(b) Where the rent of any such corporeal hereditament is sixty days in arrear, and the landlord has the right by law to

20 re-enter for non-payment thereof;

And in respect to such actions the said Courts shall have and exercise the same powers as belong to and as may be exercised by the Superior Courts of Common Law in and in respect to

actions of ejectment.

(4.) In replevin, where it is made to appear that the value of the goods or other property or effects distrained, taken, or detained, does not exceed the sum of one hundred dollars, and the goods, property or effects to be replevied are in the said portion of the District in which the Court is held.

9. But the said Stipendiary Magistrate shall not have juris- Exceptions to etion in any of the following cases: diction in any of the following cases: 38 Vic. c. 49,

(1.) Actions for any gambling debt.

(1.) Actions for any gambling debt.

(2.) Actions for any debt incurred for spirituous or malt (D); R. S. O. c. 43, s. 18, c. quors.

(3.) Actions on notes of hand or other documents given c. 90, s. 14. liquors.

wholly or partly in consideration of a gambling debt or for spirituous or malt liquors.

(4.) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage.

(5.) Actions against a Justice of the Peace for anything done by him in the execution of his office, if he objects thereto.

10. The Lieutenant-Governor may from time to time appoint, Lieutenantunder the Great Seal, an additional officer for the District Governor may Court of the Provisional Judicial District of Algoma, to be Deputy Clerk to alled the Deputy Clerk for Thunder Bay, who shall keep his for Thunder office in such place within the District of Thunder Bay as the Lieutenant-Governor shall direct.

(2.) In ease after an appointment has been made a vacancy Clerk of First occurs in such office, the Clerk of the First Division Court of Division Court of Thun-50 Thunder Bay shall, ex officio, be such Deputy Clerk until der Bay to act another appointment is made.

(3.) Such Deputy Clerk shall issue writs for the commence-office vacant. ment, in the District of Thunder Bay, of actions in the said Duties of 55 District Court; and, in respect of actions commenced by the issue Deputy Clerk. of such writs out of his office and of proceedings therein, such Deputy Clerk shall perform the like duties and shall have the like powers and rights as are performed or possessed by the Clerk of the said District Court at Sault Ste. Marie in respect

as Deputy Clerk when

of actions commenced by writs sued out of his office and of proceedings therein, and the said Deputy Clerk shall also issue such other writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court, and may renew any such writs as by law may be 5 renewed

Writ of capias not to be executed out of District.

(4.) No writ of capias issued under the next preceding section, shall be executed outside of the District of Thunder Bay; and every writ of capias so issued shall be marked by the Clerk, as follows: "Only to be executed within the District of 10 Thunder Bay;" but this shall not prevent a copy of such writ

of capias being served at any place within Ontario.

Seal of Court.

(5.) The Deputy Clerk of the said District Court shall have the custody of a seal in design similar to the seal of the Court in the custody of the Clerk at Sault St. Marie, and the said 15 Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said Court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said Court.

Issue of writ and venue in actions of ejectment. 11. In ejectment for lands situated in Thunder Bay, 20 or in any other action in the said District Court where the venue is local, and the cause of action arose in the District of Thunder Bay, the writ shall be issued out of the office of the said Deputy Clerk, and the venue shall be laid in the Territorial District of Thunder Bay, but the Judge may if he sees fit, 25 change the venue in any action.

Time allowed for appearance;

12. The time allowed for appearance to a writ of summons issued as aforesaid for service within Ontario, or to a writ of capias or replevin issued as aforesaid, shall be twenty days after the service of the writ inclusive of the day of such 30 service.

for putting in special bail;

(2.) The time allowed in any writ of *capias* issued as aforesaid, for putting in special bail, shall be *thirty* days, inclusive of the day of execution, unless a different time is fixed by the order for the writ.

in ejectment.

(3.) The time allowed for appearance to any writ of ejectment issued as aforesaid, shall be *thirty* days, inclusive of the day of service.

Powers and jurisdiction of Stipendiary Magistrate of Thunder Bay.

13. In respect of actions commenced or to be commenced by the issue of process out of the office of the said Deputy Clerk, 40 the Stipendiary Magistrate of Thunder Bay may, subject to an appeal to the Judge, do all such things, and transact all such business, and exercise all such authority and jurisdiction in respect of the same, as by virtue of any Statute or custom, or by the rules and practice in force in the said District Court, 45 are now or under the provisions of this Act may be done, transacted, or exercised by the said Judge sitting at Chambers, except (unless by consent of the parties) in respect of the following proceedings and matters, that is to say:—

(a.) The referring of causes under the Common Law Pro- 50

cedure Act.

(b.) Reviewing taxation of costs.

(c.) Staying proceedings between verdict and judgment.
(2.) In such excepted matters, the said Stipendiary Magistrate may issue a Summons, returnable before the Judge, with 55 or without a stay of proceedings, as he may think proper.

(3.) In case any matter shall appear to the said Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back 5 to the Stipendiary Magistrate with such directions as he may think fit.

(4.) Appeals from the Stipendiary Magistrate's order or decision shall be made by summons, such Summons to be taken out within ten days after the decision complained of, or within 10 such further time as may be allowed by the Judge or by the said Stipendiary Magistrate.

(5.) An appeal shall be no stay unless so ordered by the Judge,

or Stipendiary Magistrate.

(6.) The costs of an appeal shall be in the discretion of the

15 Judge.
(7.) The fees and the scale of allowance thereof for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before the Judge.

(8.) The Stipendiary Magistrate in granting any summons or order may impose upon the party obtaining the same, such

terms or conditions as he deems expedient.

14. Where the amount claimed in any action in the said Costs in cor-District Court, or where in the case of ejectment or replevin 25 the subject matter of the action, as appearing in the writ in ejectment or in the affidavit filed to obtain the writ in replevin, is beyond the jurisdiction of the County Courts in other parts of Ontario, costs to a successful defendant shall be taxed upon the Superior Court scale; and in like manner where the 30 plaintiff recovers in respect to a cause of action beyond the jurisdiction of the said County Courts, costs shall be taxed to him on the Superior Court scale, subject however to his obtaining the certificate or order of the Judge where under the Common Law Procedure Act such certificate or order is required in

35 the Superior Courts. (2.) In respect to any action within the provisions of the Costs of at-

next preceding section the Attorney of a successful plaintiff torneys. shall be entitled to charge his client County Court costs only, unless he was instructed in writing by such client to sue in 40 respect to a matter beyond the jurisdiction of the said County Courts, in which case the said Attorney shall be entitled to

charge costs upon the Superior Court scale.

(3.) Either party may as of right upon giving twenty days Revision of notice to the opposite party have the taxation of costs by the axation. 45 Deputy-Clerk revised by the Clerk at Sault Ste. Marie.

15. The Lieutenant-Governor may appoint a Sheriff of the Lieutenantsaid District of Thunder Bay, who shall keep an office at Governor may Prince Arthur's Landing in the said district, such appointment sheriff for disto take effect at a subsequent time to be notified in the Onturio trict of Thunder Bay. 50 Gazette;

(2.) And from the time such appointment takes effect, the S. 13 and thirteenth section of the Revised Statute respecting the Terri- part of R. S. O., c. torial Districts of Muskoka, Parry Sound and Thunder Bay, repealed from and all of the twelfth section of the said Statute after the word time of apparatus of the said Statute after the word time of the said Statute after the sai

55 "Simeoe" shall stand repealed; and the said Thunder Bay shall thenceforth cease to form a part of the bailiwick of the Sheriff of the District of Algoma.

Writs to whom

(3.) All writs and other process requiring to be directed to to be directed. a Sheriff and intended to be executed within the said District of Thunder Bay shall be directed to the said Sheriff of Thunder Bay;

Repeal not to affect certain goma.

(4.) Provided, however, that such repeal, or anything herein 5 contained, shall not prevent the Sheriff of Algoma from proceedproceedings of ing upon, and completing the execution or service within the said District of Thunder Bay, of any writ of mesne or final process in his hands at the time of such repeal, or any renewal thereof, or any subsequent or supplementary writ in the same cause; 10 or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of the said Sheriff of Algoma in respect of these matters shall be valid in the same manner and to the same extent as if this Act had not been passed, and no further.

R. S. O., c. 16, to apply.

(5.) The Revised Statute respecting the office of Sheriff shall apply to the said Sheriff of Thunder Bay, except that it shall not be necessary for the Sheriff to justify in a sum greater than two thousand dollars over and above his just debts, nor shall it be requisite that such Sheriff shall be possessed of real 20 estate to the said amount.

Sheriff not reservice until mileage paid.

(6.) Neither the Sheriff of Algoma nor the Sheriff of quired to effect Thunder Bay shall be required to execute or serve any writ, paper or proceeding for any party other than the Crown, until an amount reasonably sufficient to cover his mileage in travel-25 ling for the purpose of executing or serving the writ, paper, or proceeding is paid or tendered to him, unless the distance to be travelled for the purpose of such execution or service is less than ten miles.

Provision in case distance less than ten miles.

(7.) Where the distance is less than ten miles no such Sheriff 30 shall be required to execute or serve such writ, paper, or proceeding without such reasonable sum as aforesaid being paid or tendered him if he has previously notified the Attorney, Solicitor, or party whose name is endorsed on such writ, paper, or proceeding, or by whom such service is required, that pre- 35 payment of mileage will be required before execution or service of any writ, paper, or proceeding which such Attorney, Solicitor or party may desire to have served.

Time for sales of land limited.

(8.) No Sheriff, Deputy-Sheriff, or other officer shall sell or expose for sale under Execution, any lands or tenements in the 40 District of Algoma, except during the months of July, August, R.S. O. c. 175, September, or October.

Stipendiary may state case for Court of

16. The Stipendiary Magistrate upon the trial of any cause where the amount claimed is over two hundred dollars, or where the matters in dispute relate to the title of real estate, may 45 Appeal. find the facts, and state his finding thereon in the form of a 8. S., O., cap, special case for the opinion of the Court of Appeal; and in 50, s. 211. such case after delivering to the parties to the cause a copy of such special case, he shall forthwith transmit the same by registered letter to the Registrar of the Court, and shall delay the 50 delivery of judgment in such cause until the Court shall have certified by rule, order, or certificate, its judgment upon the said special case.

Allowance of costs to suc-cessful party.

(2.) The Stipendiary Magistrate in any such case may, if he thinks fit, allow to the successful party, such sum as he may 55 consider reasonable to cover the costs of procuring the judgment of the Court in the said special case, having regard to

the fees taxable in such Court, but he shall in no case allow

a larger sum for such costs than one hundred dollars.

(3.) Where a verdict is rendered for a larger sum than one New trial in hundred dollars, or is in respect to a question of title to land R. S., O., c. 5 or other corporeal hereditaments, the Stipendiary Magistrate 47, s. 107. may, within three months of the entry of judgment, upon good grounds being shown, grant a new trial upon such terms as he may think reasonable and just.

(4.) In all cases heard before the Stipendiary Magistrate Evidence, &c. 10 where the amount claimed is two hundred dollars or to be noted and upwards, or where the title to land or other corporeal furnished to hereditaments is in question, the stipendiary magistrate parties if reshall take full notes of the evidence given at the trial, and quired. of all objections taken to the reception of any evidence, and of 50, s. 189.

15 his rulings in respect thereof, and of his charge to the jury, in case a jury is empanelled, and shall upon payment therefor being made at the rate of ten cents per folio of one hundred words, to cover the cost of copying, deliver to either of the

parties requiring the same a copy of such notes.

(5.) If in any case mentioned in the preceding section where When appeal any party to a cause (as that expression is defined by the thirty-lies. fourth section of the Revised Statute of Ontario, chapter forty-R. S., O., c. three) is dissatisfied with the decision of the magistrate upon c. 90, s. 25, 38 any point which he may reserve at the trial for subsequent con-Vic. c. 49 s. 73 sideration, or upon any point of law arising upon the case, or re-

25 sideration, or upon any point of law arising upon the case, or respecting the reception or rejection of evidence, or is dissatisfied with his charge to the jury, or with his decision upon any motion for a non-suit or for a new trial, such party may appeal

to the Court of Appeal.

(6.) In such case the Stipendiary Magistrate on the applica-Stay of protion of the appellant, his counsel, attorney, or agent may stay ceedings. proceedings in the cause for a time not exceeding thirty days 43, s. 36. in order to afford the appellant time to give the security hereinafter required to enable him to appeal, but no such order stay-35 ing proceedings shall be made except within six months after

the entry of judgment.

(7.) The proceedings to be thereafter taken in an appeal, Proceedings in including the form and amount of bond or other security, and Appeal. the certifying of the case to the Court of Appeal, shall be the 43, s. 37, and

40 same, as nearly as may be, as the proceedings to be taken in c. 90, s. 25. County Court Appeals under the said Revised Statute, chapter forty-three.

(8.) When the security has been perfected and allowed, the Stay of Proceedings. Stipendiary Magistrate shall, upon the application of the appel-

45 lant, stay proceedings until the appeal is disposed of.

17. In case at the time that the proceedings are certified to Directions by the Court of Appeal any part of the judgment has been paid or Court of Appeal in collected, or in case of ejectment if the plaintiff has been put in certain cases. possession of the property, the fact shall be certified to the Court

50 of Appeal and the said Court shall give such directions to the R. S. O., o. Court below as the exigency of the case may require, and the Stipendiary Magistrate shall make order or give judgment in accordance with such direction, and the same may be enforced by writs of execution issued out of the Division Court.

18. Every judgment of the said Division Courts may be Enforcing enforced by writs or other process framed in accordance with judgment. the requirements of the case, and similar in form to writs or s. 72. sub-s. 2

Jurisdiction in case of overholding to

19. Every Stipendiary Magistrate of the district of Thunder Bay or Nipissing, may exercise the authority conferred upon County Court Judges by the Revised Statute respecting over- 5 holding Tenants.

20. The following is hereby substituted for the sixteenth substituted for section of the Revised Statutes of Ontario, chapter seven: R. S., O., c. 7, Any gaol or lock-up erected in the said District of Thunder

Bay, under the authority of the Lieutenant-Governor, or any 10 building so declared by order in Council, shall be a common gaol of such District, and of the Provisional Judicial District of Algoma, for the safe custody of persons charged with the commission within the said District of Thunder Bay of crimes, or with the commission therein of offences against any statutes of 15 this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said District of Thunder Bay; or for the confinement of persons sentenced within the said District 20 for crimes or for offences as aforesaid for periods not exceeding six months; or for the confinement of persons sentenced as aforesaid for periods exceeding six months, until such persons can be conveniently removed to the gaol at Sault Ste. Marie, or other lawful prison to which they are sentenced.

Act to be construed partly with R. S. O. c. 90, and partly with R. S. O. c. 7

21. The provisions of this Act, so far as they relate to the Districts of Algoma and Nipissing, shall be construed as part of the Revised Statute respecting the administration of justice in unorganized tracts, and so far as they relate to the District of Thunder Bay, they shall be construed as part of the said 30 Revised Statute respecting the Territorial Districts of Muskoka, Parry Sound, and Thunder Bay.

The ATTORNEY-GENERAL

Second "	First Reading,	
4th March,	First Reading, 19th February, 1879.	
1879.	1879.	

An Act respecting the Administration of Tristice in the Northerly and Westerly parts of Ontario.

Reprinted as Amended.,

Fourth Session, Third Parliament, 42 Vic., 1879

TORONTO:

PRINTED BY C. BLACKETT KOBINSON.

An Act to make certain provisions respecting the practice of the Courts.

ER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The expenses attending the charge and management of the Payment of 5 suitors money and securities in the Court of Chancery shall, ex- expenses of cept so far as other provision is made therefor by the Legislature, suitors money be paid out of the surplus interest fund or out of the funds at ctc., in Court of Chancery. the disposal or subject to the control of the said Court.

2. The judges of the said Court shall have power to make Judges em-10 general rules or orders, from time to time, for carrying out the powered to make rules. above provisions.

3. The said general rules or orders shall be subject to the Rules to be approval of the Lieutenant-Governor in Council, and so soon ratified. as approved shall be published in the Ontario Gazette.

2. Where by any law, or by the practice of the courts, a de-Time for giv-fendant in any action is entitled to obtain security for costs for costs may from a plaintiff, the court or judge by whom any rule or order be limited. for such security is made, may require the plaintiff to furnish the security within a time to be limited in such rule or order.

20 (See R. S. O. c. 50, s. 70.)

2. If any person fails, without sufficient excuse, to comply Penalty for with such order he shall be liable to have his action dismissed non-compliance with as for want of prosecution, and the court or a judge may make order. an order accordingly. (See 41 Vic. c. 8, s. 9.)

3. Where by virtue of the Common Law Procedure Act, Copies of dechapter fifty of the Revised Statutes, an examination of any field by person party or parties, witness or witnesses, has been taken before a taking the Judge of either of the Superior Courts, or of any County ble in evi-Court, or before any other officer or person appointed to take dence.

- 30 the same, copies of such examinations and depositions certified under the hand of the Judge, officer or other person taking the same, shall, without proof of the signature, be received and read in evidence, saving all just exceptions.
- 4. No Sheriff, Deputy Sheriff or other officer shall sell, or Time for 35 expose for sale under execution, any lands or tenements in the sheriff's sales District of Algema execut between the first day of June and in Algema District of Algoma, except between the first day of June and limited. the first day of November, both inclusive.
- 5. In the event of the death, resignation, or removal of any Clerk of the Clerk of a County Court, the Clerk of the Peace for the County case of death, 40 shall, ex officio, be clerk of the said County Court until another etc. of Clerk

of County Court, person is appointed and assumes the duties of the said office, and every Clerk of the Peace, while Clerk of the County Court as aforesaid, shall, except in the County of York, be also, ex officio, Deputy Clerk of the Crown and Registrar of the Surrogate Court. The Clerk of the Peace shall add the words 5 pro tem. when affixing his official designation as Clerk of the County Court, Deputy Clerk of the Crown or Registrar of the Surrogate Court to his signature, in any writs, rules, grants or orders signed by him under the provisions of this section; Provided, however, that the preceding enactment as to the 10 Clerk of the Peace being ex officio Registrar of the Surrogate Court shall not apply to any case where, at the time of the death, resignation, or removal of the Clerk of the County Court, he did not hold the office of Registrar of the Surrogate Court.

Proviso.

Court.

The ATTORNEY-GENERAL.

First Reading, 19th February, 1879.

In Act to make certain provisions respecting the practice of the Courts.

NO. 12

fourth Session, Third Parliament, 42 Vic.,

1879.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON

No. 124.]

BILL.

[1879.

An Act to make certain provisions respecting the practice of the Courts.

ER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The expenses attending the charge and management of the Payment of 5 money and securities of suitors in the Court of Chancery shall expenses of be a charge thereon and shall, except so far as other provision is suitors money made therefor by the Legislature, be paid out of any surplus etc., in Court of Chancery. interest or other funds at the disposal or subject to the control of Chancery. of the said Court.

2. The judges of the said Court shall have power to make Judges emgeneral rules or orders, from time to time, for carrying out the powered to make rules. above provisions.

2. Where by any law, or by the practice of the courts, a de-Time for giv fendant in any action is entitled to obtain security for costs ing security for costs may 15 from a plaintiff, the court or judge by whom any rule or order, be limited. for such security is made, may require the plaintiff to furnish the security within a time to be limited in such rule or order, or by any subsequent rule or order. (See R. S. O. c. 50, s. 70.)

2. If any person fails, without sufficient excuse, to comply Penalty for 20 with such rule or order he shall be liable to have his action dis-non-complimissed as for want of prosecution, with costs, and the court or a ance with judge may make an order accordingly, and judgment of NON PROS may be entered therein. (See 41 Vic. c. 8, s. 9.)

3. Where by virtue of the Common Law Procedure Act, Copies of de-25 chapter fitty of the Revised Statutes, an examination of any positions certified by person party or parties, witness or witnesses, has been taken before a taking the Judge of either of the Superior Courts, or of any County same admissible in evi-Court, or before any other officer or person appointed to take dence. the same, copies of such examinations and depositions certified 30 under the hand of the Judge, officer or other person taking the same, shall, without proof of the signature, be received and read in evidence, saving all just exceptions.

- 4. No Sheriff, Deputy Sheriff or other officer shall sell, or Time for expose for sale under execution, any lands or tenements in the sheriff's sales 35 District of Algoma, except between the first day of July and limited. the first day of November, both inclusive.
- 5. In the event of the death, resignation, or removal of any Clerk of the Clerk of a County Court, the Clerk of the Peace for the County case of death, shall, ex officio, be clerk of the said County Court until another etc., of Clerk 40 person is appointed and assumes the duties of the said office, Court.

and every Clerk of the Peace, while Clerk of the County Court as aforesaid, shall, except in the County of York, be also, ex officio, Deputy Clerk of the Crown and Registrar of the Surrogate Court. The Clerk of the Peace shall add the words pro tem. when affixing his official designation as Clerk of the 5 County Court, Deputy Clerk of the Crown or Registrar of the Surrogate Court to his signature, in any writs, rules, grants or orders signed by him under the provisions of this section; Provided, however, that the preceding enactment as to the Clerk of the Peace being ex officio Registrar of the Surrogate 10 Court shall not apply to any case where, at the time of the death, resignation, or removal of the Clerk of the County Court, he did not hold the office of Registrar of the Surrogate Court.

Proviso.

Superior Courts of Law may deliver judgment out of Term.

6. The Courts of Queen's Deliver judgment of tively, may meet at any time out of term to deliver judgments in cases previously argued, without the previous notice of such meeting having been given which is mentioned in the sixteenth section of the "Superior Courts of Law Act;" and all judgments pronounced, and rules and orders made, by virtue of this 20 reaction shall have the same effect to all intents and purposes provided by the said "Superior Courts of Law Act" had been given.

Examination of past' officers of Corporations. 7. Persons who have ceased to be officers of a corporation 25 may be examined under the 156th section of the Common Law Procedure Act in the same manner as officers.

R. S., O., c. 42, s. 3, amended.

8. Section three of the Local Courts Acts (chapter fortytwo of the Revised Statutes) is hereby amended by adding thereto the following words "saving to each of them any 30 right or priority conferred by his appointment."

Second (Reprinted as Amended.) Reading, 19th February, 1879.

An Act to make certain provisions respe ing the practice of the Courts.

Fourth Session, Third Parliament, 42 Vic.,

PRINTED BY C. BLACKETT ROBINSON.

The ATTORNEY-GENERAL

No. 125.]

BILL.

[1879.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section Sixty-six, of the Municipal Act, chapter one hun-R. S. O. c. 5 dred and seventy-four of the Revised Statutes of Ontario, is 174, s. 66 amended, by adding to the said section the following words: The Council may, where the Town is divided into four wards, pass a By-law to reduce the number of councillors in each ward to "two," such By-law shall not be finally passed until 10 the assent of the electors has been obtained at the annual election of councillors, in conformity with the provisions of this Act in respect of By-laws for creating debts.
- 2. Section four hundred and ninety two is amended by strik- Sec. 492 ing out the word "one" in the eighth line of said section, and amended. 15 inserting the word "two" in lieu thereof.

Fourth Session; Third Parliament, 42 Vic., 1879.

BILL.

To amend the Municipal Act.

First Reading, 20th February, 1879.

Mr. SPRINGER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 126.]

BILL.

[1879.

An Act for the further Investment of Public Money in Municipal Drainage Debentures.

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of "The Ontario Municipal A further sum of \$50,000 to be Drainage Aid Act," the Lieutenant-Governor in Council may, invested. from time to time, invest a further sum not exceeding fifty thousand dollars, in the purchase of debentures issued by Municipalities for drainage works; and section five of the said Act is amended by inserting the words "two hundred and 10 fifty," in lieu of "two hundred," in the fourth line of the said

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act for the further investment of Public Money in Municipal Drainage Debentures.

First Reading, 21st February, 1879.

Mr. Wood.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the sale of land under mortgage.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. Every mortgage of real estate upon default being made Foreclosure 5 in the payment of principal or interest may be foreclosed, and and sales may be had. the mortgage lands sold in the manner hereinafter mentioned.

2. To entitle any person to give a notice as hereinafter pre-Some default scribed, and to make such foreclosure it shall be requisite that must be made. some default in a condition for the payment of money on such 10 mortgage shall have occurred.

3. Notice, that such mortgage will be foreclosed by a sale of How notice the mortgaged premises or some part of them shall be given as shall be given as of foreclosure follows:

1. By publishing the same for twelve weeks successively, at Publication in 15 least once in each week in a newspaper printed in the county newspaper. where the premises which are intended to be sold shall be situated, or if such premises shall be situated in two or more Counties, in a newspaper printed in either of them;

2. By posting at least fifty of such notices in fifty public Posting 20 places in each of the municipalities where such lands are situ-notices. ate, at least one month before, and not more than two months before, the day of sale, and by delivering a copy of such notice at least two months before the day of sale to the registrar or registrars of the county or counties wherein such land is situate, Copy to

25 who shall immediately register the same in a book to be pre-registrar. pared and kept for such purpose, which book shall shew the time of receiving and registering the same, for which service the registrar shall be entitled to a fee of fifty cents;

3. By serving a copy of such notice, at least two months Service on all 30 prior to the time of sale upon the mortgagor or his personal persons interrepresentatives, or his heirs, and upon the subsequent grantees and mortgagees of the premises or any part thereof, where conveyances and mortgages shall be upon record at the time of the first publication of the notice, and upon all persons having a

35 lien or claim by or under an execution or decree upon the mortgaged premises subsequent to such mortgage, personally or by leaving the same at their dwelling house with a grown up person, or by depositing the same in the post office properly enclosed in a registered letter directed to the said persons at their

40 respective addresses, or if any such parties are unknown, or if known reside out of the Province or cannot be found therein, and have no known attorney or agent residing therein, the notice may be served on them or any of them by affixing such

notice addressed to them on the outer doors of the County Court House and the Public School House nearest to the property one month at least before the day of sale.

4. Every such notice shall specify:

What the notice shall specify.

1. The name of the mortgagor and of the mortgagee, and the 5 name of the Assignee, if any;

2. The date of the mortgage and when and where registered; 3. The amount claimed to be due thereon at the time of the

first publication of such notice;

4. A description of the mortgaged premises conforming sub- 10 stantially with that contained in the mortgage;

5. The time, place, and terms of sale.

Postponement

5. Such sale may be postponed from time to time, by inserting a notice of such postponement as soon as practicable in the newspaper in which the original advertisement was pub- 15 lished, and continuing such publication until the time to which the sale shall be postponed.

Sale to be at auction by Judge of

6. Such sale shall be at public auction, in the day-time, at the Court House, in the county where the mortgaged pre-County Court, mises or some part of them are situate, and such sale shall be 20 conducted by the Judge of the County Court of such County.

Separate sales if separate properties.

7. If the mortgaged premises consist of distinct farms, tracts, or lots, they shall be sold separately, and no more farms, tracts, or lots shall be sold than shall be necessary to satisfy the amount due on such mortgage at the time of sale, and the 25 costs and expenses allowed by law.

Judge's fees.

8. The Judge shall receive the proceeds of such sale, and shall be entitled to retain for himself for conducting such sale the amount mentioned in the Schedule "B" of this Act.

Mortgagee may buy.

9. The mortgagee, his assigns, and his or their legal repre-30 sentatives may fairly and in good faith purchase the premises so advertised or any part thereof at such sale; and in such case the Judge shall endorse on such mortgage the amount paid thereon by the sale, and to that extent such mortgage shall be deemed satisfied.

Sale to be equivalent to foreclosure.

10. Every sale made as aforesaid and conducted as herein prescribed and made to a purchaser in good faith, shall be equivalent to a foreclosure and sale under the decree of the Court of Chancery so far only as to be an entire bar of all claims or equity of redemption of the mortgagor, his heirs and represen- 40 tatives or all persons claiming under him or them by virtue of any title subsequent to such mortgage; and also any person having a lien by execution or decree upon the land or any part thereof contained in such mortgage subsequent to such mortgage, and every person having any lien or claim by or under 45 such subsequent execution or decree who shall have been served with notice of said sale as required by this Act.

Judge to pay over proceeds of sales.

11. The Judge shall immediately pay over to the holder of such mortgage the amount realized at such sale to the amount due on such mortgage and costs, unless the holder of such mort- 50 gage is the purchaser, in which case he shall make the endorsement mentioned in the ninth section of this Act.

- 12. If there be any surplus money from such sale after pay-Surplus. ing the mortgage debt, costs, and Judge's fees, it shall be paid by the Judge to the parties entitled thereto, on demand.
- 13. In the event of any dispute as to the amount due on Disputes as to 5 such mortgage or as to the surplus money at such sale, the amounts due Judge may direct as to the payment of such money and pay or to surplus. Judge may direct as to the payment of such money and pay the same to the parties entitled or he may deposit the amount in one of the Superior courts and the court in which the money is deposited may in a summary manner adjudicate upon the 10 rights of the parties claiming such money, imposing such terms as to costs or otherwise as the court sees fit.

14. The Judge conducting such sale shall give duplicate Judge's certicertificates under his hand and the seal of his Court to the pur- ficate of sale. chaser or purchasers in the form or to the like effect of the 15 form in schedule "A" of this Act, and such certificate shall be evidence of the sale and foreclosure of the equity of redemption as herein specified.

- 15. Affidavits of the publication, services and advertise- Affidavits. ment by the Act required, may be sworn before any commis-20 sioner for taking affidavits in one of the Superior courts, or before a Justice of the peace, and they shall be registered at full length together with the Judge's certificate of sale by the registrar of the county wherein the land lies embraced in such certificate, and for registering the same and granting the usual 25 certificates, such registrar shall be paid the sum of two dollars.
 - 16. The only costs or fees allowed in proceedings under this Costs. Act shall be those in schedule B to this Act.
- 17. Any person interested in such sale of lands may have Taxation. the costs of sale taxed by the clerk of the County court of the 30 County in which the sale takes place.
- 18. This Act shall extend and apply to lands under mort-Infanta. gage in which infants are or may be interested, and the moneys to which such infants may be entitled shall be paid to the legal guardians of such infants, and if such infants have no such 35 guardian the money to which such infants may be entitled shall be paid by the Judge into one of the Superior courts to the credit of such infants, or instead of paying such money into court the Judge may invest such money on mortgage for the benefit of such infants in the manner provided by "The Parti-40 tion Act."

SCHEDULE A.

Referred to in Section 14.

Judge of the County Court of the county of do certify that under and by virtue of "The Act respecting the sale of lands under mortgage," I did on the day of , A.D. 187, sell to A. B., of, &c., the following lands and premises, that is to say: (dewhich said scribe the lands sold) for the sum of

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42 Vic., 1879.

lands were mortgaged by an indenture of mortgage dated the
day of , 187, and registered on the
day of , 187, made by A. B., of, &c.,
of the first part, C. D., of &c., of the
second part, (showing the parties to the mortgage) to secure the
sum of money therein mentioned.
Witness my hand and seal of the said court this

day of

Judge of the County of

SCHEDULE B.

Costs to the attorney of the mortgagee his assignee or representative.

Instructions							\$2	00
Every necessary letter.								50
Every necessary attendance.								25
Drawing advertisement and	copy						3	00.
Every necessary affidavit .								50
Fee on attending sale.							5	00
Bill of costs and copy .								50
All necessary disbursements,	such	as	post	age,	mil	e-		
age, printing, &c .								

The Judge shall retain the sums following from the sales of land:

When	proper	ty sell	sfor	\$500	or less,	\$5	00
"					and less than \$2,000	7	50
"	"	46	over	2,000		10	00

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First	Act
First Reading, 20th February, 1879.	in Act respecting the sale of land under mortgage.
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An Act to establish an Industrial Refuge for Girls.

[ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. The Lieutenant-Governor in Council may set apart such Portion of the portion of the Andrew Mercer Ontario Reformatory for females formatory as he may think fit for the reception of girls under the age of may be set apart. fourteen years.

- 2. The said portion so set apart shall be called "The Indus-Name of portion set apart." trial Refuge for Girls."
- 3. The Inspector of Prisons and Public Charities and the Certain off-Superintendent, Accountant, Surgeon and School-mistress of Reformatory the Andrew Mercer Ontario Reformatory for Females shall to act as officers of Potential School (1997). be also the Inspector, Superintendent, Accountant, Surgeon, cers of Refuge. and School-mistress of the said Industrial Refuge for Girls, and 15 shall perform similar duties in respect to both Institutions.

4. The Lieutenant-Governor may appoint for the said In-Appointment dustrial Reformatory for Girls, such other officers and servants of other officers. as may be required, or he may require any officer or servant of the said Reformatory to act for both of the said Institutions. ²⁰ (See R. S. O. c. 217, s. 3.)

5. Whenever a girl under the age of fourteen years is con- What convicts victed under any Act of the Legislature of Ontario of an may be sent to Refuge. offence punishable on summary conviction and is thereupon sentenced and committed to prison in any common gaol, 25 any Judge of the Superior Courts of Law, or the Judge of any County Court (in a case occurring within his County) may examine and enquire into the circumstances of such case and conviction, and may direct the offender to be sent either forthwith or at the expiration of her sentence to the said Re-30 fuge, to be there detained for a period of not less than two years and not exceeding five years, and such offender shall be liable to be detained pursuant to such direction unless, in the manner hereinafter provided or otherwise lawfully, sooner discharged. Provided no one sent to the Refuge under this sec-35 tion shall be discharged under this Act until the period for

which she is sentenced for her said offence has expired. (Vide

R. S. O. c. 218, s. 7—e. 217, s. 14.)

6. The Inspector of Prisons may, upon the application of Removal from Reformatory the Superintendent, direct the removal from the said Reformation Refuge. 40 tory to the said Refuge of any girl under sixteen who is confined in the said Reformatory for any offence within the jurisdiction of the Legislature of Ontario. (See R. S. O. c. 218, s. 11.)

In certain other cases girls may be

7. A County Court Judge or Police Magistrate may by his warrant commit to the said Industrial Refuge for Girls any sent to Refuge girl apparently under the age of fourteen years who comes within any of the following descriptions: (See R. S. O. c. 213,

> (1). Who is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving 10

(2). Who is found wandering and not having any home or

settled place of abode or proper guardianship.

(3). Who is found destitute and is an orphan, or has a surviving parent who is undergoing penal servitude or imprison- 15 ment.

(4). Whose parent, step-parent, or guardian represents to the Judge or Police Magistrate that he is unable to control the girl and that he desires her to be sent to the said Refuge. The word guardian as used herein shall include any officer of a 20 society under whose charge the girl is, or any person standing in fact in the place of a parent although not lawfully appointed

a guardian. (See R. S. O. c. 135, s. 2.)

(5). Who by reason of the neglect, drunkenness, or other vices of her parents or either of them, or of any other persons 25 in whose charge such girl is, is suffered to be growing up without salutary control and education or in eircumstances which render it probable that such girl will, unless placed under proper control, lead an idle and dissolute life. (See R. S. O. c. 213 s. 5.)

Mode of proceeding under last section.

8. No formal information shall be requisite to authorize proceedings being taken under the preceding section, but the Judge or Police Magistrate before issuing his warrant shall have such girl brought before him and shall in her presence take evidence in writing under oath of the facts charged and 35 shall make reasonable enquiry into the truth thereof.

Judge to obtain address of parents.

9. It shall be the duty of the Judge or Police Magistrate to obtain from the witnesses at the hearing, where practicable. the residence of the parents of the girl, or of the persons with whom she resides, and their Post Office address.

Proceedings and forms.

10. The proceedings to be taken and the forms to be followed upon an application for a committal to the said Industrial Refuge for Girls shall, unless where otherwise provided by this Act, be, as nearly as may be, in accordance with the proceedings and forms which are authorized in case of prosecutions 45 before a Justice of the Peace for an offence punishable by imprisonment under the laws of Canada upon summary conviction.

Time of deten-

11. It shall not be necessary in the said warrant to fix any tion in Refuge, period for the detention of any girl committed to the said In- 50 dustrial Reformatory, but every girl so committed shall be liable to be there detained for the purpose of learning some proper trade, or being taught some other means of earning her livelihood, or for the formation of industrious habits, for the

period of five years, unless the Lieutenant-Governor shall sooner direct her discharge or the Inspector shall make an order under the eighteenth section. (See R. S. O. c. 218, s. 9.)

12. The Lieutenant-Governor in his discretion may at any Transfer of 5 time, and from time to time, order any girl confined in the said prisoners from Refinge to Re-Refuge, who is reported by the Superintendent as incorrigible, formatory. to be transferred to the said Female Reformatory for any period not exceeding two months at any one time. (See R.S.O. c. 217, s. 15, and c. 218, s. 13.)

13. It shall be the duty of the Superintendent from time to Superintentime to report to the Provincial Secretary, for submission to dent to report the Lieutenant-Governor, the cases of such girls as she is of for discharge. opinion may with propriety be discharged from the said Refuge.

14. In case an application is made to any court or judge Applications 15 for the discharge from the said Industrial Refuge for Girls of of girls any girl committed thereto under the provisions of the seventh committed section of this Act, notwithstanding any irregularity in or in-seventh secsufficiency of the warrant or other proceedings, no order shall tion. be made for such discharge in case the court or judge shall 20 deem it for the benefit of such girl that she should remain in the said Industrial Refuge and it shall appear by the depositions taken before the committing judge or magistrate that she was liable to be committed to such Industrial Refuge under the provisions of this Act.

15. The committing magistrate shall deliver to the con- Depositions to stable or other person having the execution of his warrant, the be delivered to depositions taken by him, or a certified copy thereof, which ing prisoner. depositions or copy shall be delivered by the said constable or other person to the superintendent or officer receiving the 30 prisoner into the said Industrial Refuge; such copy shall be nrima facie proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any girl committed thereunder.

16. The expenses of conveying to the said Refuge any girl Expenses of 35 committed thereto shall be paid by the county, city, or separate conveying town in which such girl is committed.

persons to Re

17. The Superintendent shall, upon the reception of any Superintengirl into the said Industrial Refuge, ascertain from the girl and dent to send notice to par-40 from the depositions the address of the parents, guardian, or ents, etc. other person with whom such girl has been living, and shall send by mail, registered, a notice that such girl has been committed to the said refuge.

18. In case any respectable and trustworthy person is will-Superinten-45 ing to undertake the charge of any girl committed to the said dent may bind Industrial Refuge, whether she is girls in certain Industrial Refuge, whether she is over or under the age of cases. twelve years, as an apprentice to the trade or calling of such person or for the purpose of domestic service, the Superintendent may, with the consent of the Inspector of Prisons, bind 50 the said girl to such person for any term not to extend beyond the girl's attaining the age of eighteen years, and the Inspector shall thereupon order that such girl shall be discharged from the said Refuge, and she shall be discharged accordingly; any wages reserved in any such indenture shall be payable to the 55 said girl or to some other person for her benefit. (See R. S. O. c. 213, s. 10, and c. 135, s. 6.)

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to establish an Industrial Refuge for Girls.

First Reading, 20th February, 1879.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 129.]

BILL.

[1879.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section four hundred and seventy-seven, of chapter one hun-R. S. O. c. 5 dred and seventy-four, of the Revised Statutes of Ontario, is 174, s. 477, hereby amended by adding to the said section the following words, "such reward to be paid by the County in which the horse or mare is owned, and of which the owner is a ratepayer."

BILL.

An Act to amend the Municipal Act

First Reading, 20th February, 1879.

MR. BAXTER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 130.]

BILL.

11879.

An Act to amend the Ontario Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sections one hundred and six and one hundred and seven SS. 106 and 5 of chapter one hundred and eleven of the Revised Statutes of 107 of R. S. O. Ontario are hereby repealed.

4th Session, 3rd Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Ontario Registry Act.

First Reading, 21st February, 1879.

MR. CLARKE (Norfoll:).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 131.]

BILL.

[1:79

An Act to amend the Assessment Act.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section twelve of the Assessment Act is hereby amended R.S.O. c. 180,
 by adding to the particulars required in column two of the s. 12, sub-s. Assessment Roll, "and P. O. address" after the word "name."

BILL.

An Act to amend the Assessment Act.

First Reading, 24th February, 1879.

MR. CREIGHTON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 132.]

BILL.

[1879.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section four hundred and forty-two of chapter one hun-R.S.O. c. 174, 5 dred and seventy-four of the Revised Statutes of Ontario is s. 442 amendamended by striking out all the words in the said section after the word "courts," in the ninth line, and adding the following: "and shall provide proper offices, together with fuel, light, and furniture for all officers connected with such courts."

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Municipal Act.

First Reading, 24th February, 1879.

Mr. Ross.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. No damages shall be recovered in respect of injuries Damages by 5 committed upon any land by any horse, mare, sheep, mule, eow, panimals tresponded ox, steer, heifer, hog, or pig straying upon such land, unless such animal was running at large contrary to a municipal bylaw in that behalf; or, where no by-law, prohibiting or regulating the running at large of the class of animals to which the 10 animal trespassing belongs, is in force in the municipality, township, or place, then no such damages shall be recovered unless such animal has broken through or jumped over a fence then being in reasonably good order and of the height of

feet. (See Municipal Act s. 463, sub-sec. 2.)

2. This Act shall only refer to the Provisional Judicial Dis-Operation of trict of Algoma and the Territorial Districts of Muskoka and Act limited. Parry Sound.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Municipal Act.

First Reading, 25th February, 1879.

MR. MILLER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 134.]

BILL.

[1879.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. Section five hundred and forty-one of the Municipal R S.O. c. 174, 5 Act is hereby amended by adding the words "nor any rate-s. 541 amend-payer or person or persons interested in the construction of any such deepening or drainage," immediately after the word "specification" in the fifth line of the said section.
- 2. Sub-section two of section five hundred and twenty-nine S. 529, sub-s. 10 of the said Municipal Act is hereby amended by adding the ² ameneded. words "including the costs of arbitration, if any," after the word "amount" in the fifth line of said sub-section.

BILL.

An Act to amend the Municipal Act.

First Reading, 25th February, 1879.

MR. COUTIS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 135.]

BILL.

[1879.

An Act to amend the Municipal Act.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Any township having a town or incorporated village Township may 5 within or partly within its original boundaries, may pass by-acquire land for a Town laws for acquiring lands within such town or village for the pur-Hallin a Town pose of erecting thereon a Town Hall or for renting a hall with- or Village. in such town or village for the purpose of a Town Hall.

2. Any township having acquired such Town Hall may Township 10 hold any meeting, nomination, or election, or post any notice, be held and assessment roll, or voters list required by law to be posted in notices posted at such Hall. the townships at such Town Hall.

BILL.

An Act to amend the Municipal Act.

First Reading, 25th February, 1879.

MR. FERRIS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 136.]

BILL.

[1879.

An Act to make further provision respecting Voters' Lists.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. This Act may be known and cited as "The Voters' Lists Title. 5 Amendment Act, 1879."
- 2. The County Judge, at any Court held by him for the Powers of revision of Voters' Lists, under "The Voters' List Act," may County Judge. without any previous notice of appeal or complaint in that behalf, correct any mistake which shall be proved to him to have been 10 made in any Voters' List in respect of the name, or place of abode, or nature of the qualification, or the local or other description of the property, of any person entered on the said list, and against or with respect to whose right to be entered on said list any appeal or complaint is either pending before or being heard by 15 the judge; but in any such case, evidence may be produced and given before said judge that such person has no qualification or no sufficient qualification in law to entitle such person to vote, and if the judge, on the evidence before him, be of opinion that such person has not such qualification, he shall 20 expunge and strike the name of such person from said list of voters.
- 3. If on any complaint or appeal to strike out of the list Appeals. the name of any person entered therein as a voter, the judge, from any evidence produced and given before him, shall be of 25 opinion that such person is entitled to be entered on said list in any character, or because of property or qualification other than that in which such person is so already entered in said list, the said judge shall not strike the name of such person from said list, but shall make such corrections in the said list 30 as the said evidence in his opinion may warrant with respect to the right, character and qualification of such person to vote.

4. Sub-section three of section eight of "The Voters' List Act" Sub-sec. 3, is hereby repealed, and in lieu thereof the following is substi- Sec 8, repealed tuted as sub-section three of said section eight:

35 3. If, before the final revision and correction of the Assess- New Section. ment Roll, any person named as a voter in the said list of voters has died or, having parted with the property in respect of which his name was entered in the Voters List has, within the meaning of section seven of "The Election Act of Ontario," 40 ceased to be a resident of the Electoral District, the person who, at the time of such final revision and correction, was in

possession of the said property or any part thereof shall, if otherwise qualified to vote, be entitled to apply to the Judge to be entered on the said list instead of the person originally named therein; and the proceedings to be taken in any such case shall be the same as in cases of appeals under this Act.

Sub-sec. 1, sec. 12 repealed.

5. Sub-section one of section twelve of "The Voters' Lists Act" is hereby amended, by adding thereto the words follow-

ing

New Section.

"And such statement in triplicate, and such corrected copies of the said list shall, if the Judge so order, and under 10 his directions and supervision, be prepared by the Clerk of the Municipality, and for that purpose the Judge shall forthwith after said list has been so finally revised and corrected transmit or deliver to said Clerk all necessary papers and directions, which said papers and directions together with such statement in tri- 15 plicate and such corrected copies shall within, at latest, the week next after the said list has been so finally revised and corrected as aforesaid, be re-transmitted and delivered by said Clerk to said Judge, who thereupon shall immediately sign the said statement and certify the said corrected copies as aforesaid, but 20 should the said statement and corrected copies not be re-transmitted and delivered by said Clerk to the Judge within the time above mentioned, the Judge shall immediately thereafter make and sign the said statement and certify the said corrected copies of the said list." 25

Section 15 repealed.

6. The fifteenth section of "The Voters' Lists Finality Act" is hereby repealed, and the following substituted therefor:—

15. Where it is provided by any by-law or contract under which the Clerk of any Municipality is appointed or employed, that the sum to be paid him by way of salary as such Clerk :30 is intended expressly or impliedly to include payment for all duties which, as such Clerk and under "The Voters List Act," are to be performed by him, either in the preparation, publication and distribution of the list of voters under said Act, or before, upon or after the lodging with him of any complaint or appeal under said Act, or for any other act or work of whatever 35 nature or kind required by the said Act to be done by him; then such Clerk shall not, in respect of such duties or work, be entitled to or be allowed by the County Judge, nor shall there be taxed to him, any fee, payment, cost or charge whatsoever; but when it is not intended by such by-law or contract to pro- 40 vide for the performance of such above-mentioned duties and work, then such Clerk shall be entitled in respect thereof to the following but to no other fee or compensation, that is to

(1.) One cent for the name of each person entered in the list 45

of complaints and in respect to whom appeal was made.

(2.) One cent for each such name entered in any necessary copy of said list of complaints.

(3.) Five cents for each necessary notice to any party complaining or complained against.

(4.) Three dollars for each day's attendance on the sittings

of the Court for the revision of the Voters List.

(5.) And to the actual and reasonable disbursements (if any) necessarily incurred by him in serving the notices of complaint or appeal, when served by himself.

- 7. The words "and the Clerk shall receive reasonable com-Part of Sec. 16 pensation for the services performed," where they occur in repealed. the sixteenth section of "The Voters' Lists Act," are hereby repealed.
- 8. Hereafter the Clerk of each township municipality, in mak-Clerks' ing out the list of voters as required by section two of "The remuneration. Voters' List Act," shall, beside complying with section nine of the Act to amend the Jurors' Act passed in the present session, insert in said list, and according to the form by section 10 nine of this Act provided, a schedule containing the name, numbered consecutively, of each Post Office, which by the Assessment Roll appears to be, or within the knowledge or belief of the said clerk is, the proper post office address of any person entered in said list, and in making out said list of voters shall, according to said form and in the proper column therefor insert opposite the name of each person entered in said list the consecutive number which according to said schedule is that of the proper post office address of such person, so far as such address appears by the assessment roll, or is within 20 the knowledge or belief of the said elerk as aforesaid; but no appeal or complaint on the ground of any error, mistake or omission in or from the said list in respect of any matter or thing by this section directed to be inserted therein as aforesaid, shall be made or allowed by or under "The Voters' 25 Lists Act," "The Voters' Lists Finality Act" or this Act.
- 9. Instead of the form of voters' list required by section Form of two of "The Voters' Lists Act," the form for such list hereafter Voters' Lists to be used and made by the clerk of any Township municipality under the provisions of said section two, and of this 30 section and section eight of this Act, shall be as follows:—

Voters' List 18 Municipality of

SCHEDULE OF POST OFFICES.

1. North Augusta,

3. Wright's Corners,

2. Maitland,

4. Prescott.

POLLING SUB-DIVISION, No. 1, COMPRISING, &c.:- (Giving the limits.)

PART I.—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.							
No. on Roll.	Name.	Lot.	Con. or Street.		Post Office Address.		
6 14 1 50 71	Anderson, Henry Andrews, John Archer, James Brown, Simon Burton, Samuel	2	3 1 6 2 4	Owner. Tenant. Income. Farmer's Son. See Sub-division,	1 4 4 3 2		
	&c.	&c.	&c.	dec.	&c.		

PART II.—Persons entitled to vote at Municipal Elections only.

No. on Roll.	Name.	Lot.	Con. or Street.		Post Office Address.
4 82	Archer, Henry Burke, Edmund	W ½ 17 &c.	3 4 &c.	Owner. Farmer's Son.	2 4 &c.

PART III.—Persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.

No. on Roll.	Name.	Lot.	Con. or Street.		Post Office Address.
43 8	Ackroyd, James	N ½ 3 3 &c.	4 7 &c.	Tenant. Owner. &c.	3 3 &c.

POLLING SUB-DIVISION, No. 2, COMPRISING, &c.:-(Giving the limits.)

&c.,

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, 1879.	

An Act to make further provision respecting Voters' Lists.

An Act to make further provision respecting Voters' Lists.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as "The Voters' Lists $_{\rm Title.}$ 5 Amendment Act, 1879."

2. The County Judge, at any Court held by him for the Powers of revision of Voters' Lists, under "The Voters' List Act," may County Judge. without any previous notice of appeal or complaint in that behalf,

on an application made by or on behalf of the person named 10 in the lists, correct any mistake which shall be proved to him to have been made in compiling any Voters' List in respect of the name, or place of abode, or nature of the qualification, or the local or other description of the property, of any person entered on the said list, and against or with respect to whose right to be 15 entered on said list any appeal or complaint is either pending before or being heard by the judge; but in any such case, evi-

before or being heard by the judge; but in any such case, evidence may be produced and given before said judge that such person has no qualification or no sufficient qualification in law to entitle such person to vote, and if the judge, on the evidence of before him, he of oninion that such person has not such quali-

20 before him, be of opinion that such person has not such qualification, he shall expunge and strike the name of such person from said list of voters.

3. If on any complaint or appeal to strike out of the list Appeals. the name of any person entered therein as a voter, the judge, 25 from any evidence produced and given before him, shall be of opinion that such person is entitled to be entered on said list

in any character, or because of property or qualification other than that in which such person is so already entered in said list, the said judge shall not strike the name of such person 30 from said list, but shall make such corrections in the said list as the said evidence in his opinion may warrant with respect to the right, character and qualification of such person to vote.

4. Sub-section three of section eight of "The Voters' List Act" sub-sec. 3, is hereby repealed, and in lieu thereof the following is substi- Sec 8, repealed

35 tuted as sub-section three of said section eight:
3. If, before the final revision and correction of the Assess-New Section. ment Roll, any person named as a voter in the said list of voters has died or, having parted with the property in respect of which his name was entered in the Voters List has, within 40 the meaning of section seven of "The Election Act of Ontario," ceased to be a resident of the Electoral District, the person

who, at the time of such final revision and correction, was in possession of the said property shall, if otherwise qualified to vote, be entitled to apply to the Judge to be entered on the said list instead of the person first named in this section; and the proceedings to be taken in any such case shall be the 5 same as in cases of appeals under this Act.

Sub-s. 1, s. 12 repealed.

5. Sub-section one of section twelve of "The Voters' Lists Act" is hereby amended, by adding thereto the words follow-

ing:

New Section.

"And such statement in triplicate, and such corrected 10 copies of the said list shall, if the Judge so order, and under his directions and supervision, be prepared by the Clerk of the Municipality, and for that purpose the Judge shall forthwith after said list has been so finally revised and corrected transmit or deliver to said Clerk all necessary papers and directions, which 15 said papers and directions together with such statement in triplicate and such corrected copies shall within, at latest, the week next after the said list has been so finally revised and corrected as aforesaid, be re-transmitted and delivered by said Clerk to said Judge, who thereupon shall immediately sign the said 20 statement and certify the said corrected copies as aforesaid, but should the said statement and corrected copies not be re-transmitted and delivered by said Clerk to the Judge within the time above mentioned, the Judge shall immediately thereafter make and sign the said statement and certify the said corrected 25 copies of the said list.

Section 15 repealed. Clerk's remuneration.

6. The fifteenth section of "The Voters' Lists Finality Act"

is hereby repealed, and the following substituted therefor:—
15. Where it is provided by any by-law or contract under which the Clerk of any Municipality is appointed or employed, 30 that the sum to be paid him by way of salary as such Clerk is intended expressly or impliedly to include payment for all duties which, as such Clerk and under "The Voters List Act," are to be performed by him, either in the preparation, publication and distribution of the list of voters under said Act. or 35 before, upon or after the lodging with him of any complaint or appeal under said Act, or for any other act or work of whatever nature or kind required by the said Act to be done by him; then such Clerk shall not, in respect of such duties or work, be entitled to or be allowed by the County Judge, nor shall there 40 be taxed to him, any fee, payment, cost or charge whatsoever; but when it is not intended by such by-law or contract to provide for the performance of such above-mentioned duties and work, then such Clerk shall be entitled in respect thereof to the following but to no other fee or compensation, that is to 45

(1.) Two cents for the name of each person entered in the list of complaints and in respect to whom appeal was made.

(2.) Two cents for each such name entered in any necessary copy of said list of complaints.

(3.) Eight cents for each necessary notice to any party complaining or complained against.

(4.) Three dollars for each day's attendance on the sittings of the Court for the revision of the Voters List.

(5.) And to the actual and reasonable disbursements (if any) 5.5 necessarily incurred by him in serving the notices of complaint or appeal, when served by himself.

- 7. The words "and the Clerk shall receive reasonable com- Part of Sec. 16 pensation for the services performed," where they occur in repealed. the sixteenth section of "The Voters' Lists Act," are hereby repealed.
- 5 S. Hereafter the Clerk of each township municipality, in mak-P. O. address ing out the list of voters as required by section two of "The of voter to be entered on Voters' Lists Act," shall, beside complying with section nine roll. of the Act to amend the Jurors' Act passed in the present ses-
- sion, insert in said list, and according to the form by section 10 nine of this Act provided, a schedule containing the name, numbered consecutively, of each Post Office, which by the Assessment Roll appears to be, or within the knowledge or belief of the said clerk is, the proper post office address of any person entered in said list, and in making out said list of voters shall, according to said form and in the proper column therefor insert opposite the name of each person entered in said list the consecutive number which according to said schedule is that of the proper post office address of such person, so far as such address appears by the assessment roll, or is within
- 20 the knowledge or belief of the said clerk as aforesaid: but no appeal or complaint on the ground of any error, mistake or omission in or from the said list in respect of any matter or thing by this section directed to be inserted therein as aforesaid, shall be made or allowed by or under "The Voters' 25 Lists Act," "The Voters' Lists Finality Act" or this Act.
- 9. Instead of the form of voters' list required by section Form of two of "The Voters' Lists Act," the form for such list hereafter Voters' Lists to be used and made by the clerk of any Township municipality under the provisions of said section two, and of this 30 section and section eight of this Act, shall be as follows:—

Voters' List 18 Municipality of

SCHEDULE OF POST OFFICES.

1. North Augusta,

3. Wright's Corners,

2. Maitland,

4. Prescott.

POLLING SUB-DIVISION, No. 1, COMPRISING, &c.:- (Giving the limits.)

PART	I.—Persons entitled to vote at BOTH Municipal Elections to the Legislative Assembly.	

No. on Roll.	Name.	Lot.	Con. or Street.		Post Office Address.
6 14 1 50 71	Anderson, Henry Andrews, John Archer, James Brown, Simon Burton, Samuel	$\frac{2}{W^{\frac{1}{2}}9}$	3 1 6 2 4	Owner. T mant. Income. Farmer's Son. See Sub-division, No.	1 4 4 3 2
	&c.	&c.	&c.	dec.	&c.

PART II.—Persons entitled to vote at Municipal Elections ONLY.

No. on Roll.	Name.	Lot.	Con. or Street.		Post Office Address.		
4 82	Archer, Henry Burke, Edmund &c.	W ½ 17 &c.	3 4 &c.	Owner. Farmer's Son. &c.	2 4 &c.		
PART III.—Persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.							
No. on Roll.	Name.	Lot.	Con. or Street.		Post Office Address.		

POLLING SUB-DIVISION, No. 2, COMPRISING, &c. :-- (Giving the limits.)

N ½ 3 &c.

&c.,

43 8 Ackroyd, James Amos, Joseph &c.

&c.,

&c.

3 3 &c.

Tenant. Owner. &c.

4 7 &c.

HON. MR. FRASER.

Second "	First Reading,
3rd	25th
3rd March,	25th February, 1879.
1879.	1879.

An Act to make further provision respecting Voters' Lists.

(Reprinted as Amended.)

Fourth Session, Third Parliament, 42 Vic., 1879.

An Act respecting Steam and Heating Companies.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

- 1. Any five or more persons who desire to form a company Mode of 5 for supplying steam, hot air or hot water for power and for Incorporation, heating purposes in any city, town, incorporated village, township or other municipality may become incorporated under the Act respecting the incorporation of Joint Stock Companies by Letters Patent, chapter one hundred and fifty of the O Revised Statutes, and all the powers and provisions contained in the said Act shall, so far as applicable and consistent with the provisions and powers herein contained, apply to any such steam and heating company.
- 2. Every company incorporated under this Act, may con-Powers, 5 struct, maintain, complete and operate works for the production of steam, hot air or hot water, for purposes of power and heating, and may conduct the same by means of pipes or otherwise, through, under and along the streets, highways and public places of such cities, towns and other municipalities; 0 but, as to such streets, highways and public places, only upon and subject to such agreement in respect thereof, as shall be made between the company and the said municipalities respectively and under and subject to any by-law or by-laws of the councils of the said muncipalities passed in pursuance 5 thereof.
- 3. Sections fifty to sixty, inclusive, and sections sixty-two Certain secto eighty-five, inclusive, of the Act respecting joint stock com-tions of the Garagies for supplying cities towns and will consuit to companies' panies for supplying cities, towns, and villages with gas and Act made water, being chapter one hundred and fifty-seven, Revised applicable. Statutes of Ontario, shall be read as forming part of this Act, except that the said sections shall, for the purposes of this Act, be read as providing for the passage and supply of steam for the purpose of heating and power, instead of the passage and supply of water or gas, the word "steam" being, for the purposes aforesaid, substituted for the words "gas or water," or "gas and water," wherever the said words occur in the said sections.

4. No company shall be entitled by virtue of this Act to Private take possession or make use of private property, or to do any property. work thereon, under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit.

Fourth Session, Third Parliament, 42 Vic., 1879.

An Act respecting Steam and Heating Companies.

First Reading, 25th February, 1879.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 138.]

BILL

[1S79.

An Act to amend "The Free Grants and Homesteads

TER MAJESTY, by and with the advice and consent of the Legi-lative Assembly of the Province of Ontario, enacts

1. After the passing of this Act, any locatee on any Free Locatee may 5 Grant lands of the Crown, open for location under the proments lefore visions of the "Free Grants and Homesteads Act," who has is need patent been in actual and continual occupation of the lands located and may take him on how for the partial of circular popular months and in at least one location. by him or her for the period of six calendar months, and is at the time of sale in actual occupation thereof, with at least five

- 10 acres cleared, fenced and under cultivation and crop, may sell, alienate, assign and convey his or her improvements and interest in the lands so located and improved by him or her, and re-locate on any other Free Grant lands of the Crown open for location under the provisions of the said Act.
- 2. Any purchaser of the improvements or interest of any Purchaser of locatee who has filed his or her conveyance of the lands so pur-interest of clased, duly attested, in the Department of Crown Lands, or titled to latent with the resident Crown Lands Agent, shall be entitled to en performance of con-

- a patent for said lands at the expiration of five years from the ditions.

 20 date of the original location; Provided the conditions of the said Act, as to occupation and improvements, have been fully complied with; and in computing occupation and improvements the time occupied, and the work done by the original locatee, shall be held to have been occupied and done by and on behalf 25 of the purchaser.
 - 3. No locatee or purchaser of locations shall hold at any one Land held by time a larger quantity of land than that specified by "The located limited, Free Grants and Homesteads Act."

4th Session, 3rd Palrument, 42 Vo., 1879.

BILL

An Act to amend "The Free Grants and Homesteads Act."

First Reading, 26th February, 1879.

MR. MILLER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to provide for the Inspection of Insurance Companies.

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the efficient administration of the Insurance business Appointment in the Province of Ontario, the Lieutenant-Governor in Council of Inspector. may appoint an officer to be called the Inspector of Insurance, who shall act under the instructions of the Treasurer of Ontario, and his duty shall be to examine and report to the said Treasurer from time to time upon all matters connected with insurance as carried on by the Companies subject to the legislative authority of this Province doing the business of Insurance in Ontario, or required by the said Acts or by this Act to make returns of their affairs.

(2) The salary of the Inspector shall not exceed two thousand Salary. dollars per annum, and it shall be lawful to provide from time to time such assistance as may be found necessary.

2. The Inspector of Insurance shall visit the Head Office of Duties. every such Company in Ontario at least once in every year, and shall carefully examine the statements of the Company as to its condition and affairs and report thereon to the Treasurer as

to all matters requiring his attention and decision.
(2.) The Inspector shall from such examination prepare and lay before the Treasurer an annual report of the condition of every Company's business as ascertained by him from his personal inspection, and such report shall be made within thirty days after the commencement of each annual session of the Parliament of Ontario.

3. If the Inspector after a careful examination into the con-Provision if dition and affairs of any Company, deems it necessary and ex-deems further pedient from the annual or other statement furnished by such inquiry Company to the Treasurer, or from any other cause, to make necessary. a further examination into the affairs of such Company and so reports to the Treasurer, the Treasurer may in his discretion instruct the Inspector to visit the office of such Company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition, and ability to meet its engagements, and whether it has complied with the conditions of the Ontario Insurance Act and the Act respecting Mutual Fire Insurance Companies and any other statutes, conditions, and provisions applicable to transactions of the company.

(2.) It shall be the duty of the officers or agents of any such Powers Company to cause their books to be open for the inspection of

the Inspector, and otherwise to facilitate such examination so far as may be in their power; and the said Inspector shall have power to examine under oath any officer or agent of the Com-

pany relative to its business.

Report of Inspector.

(3.) A report of all companies so visited by the Inspector shall be entered by him in a book kept for that purpose, with notes and memoranda showing the condition of each company, and a special written report shall be communicated to the Treasurer stating the Inspector's opinion of the condition and financial standing of each Company, and all other matters desirable to be made known to the Treasurer.

Provision if Company ap pears unsafe

(4.) If it appears to the Inspector that the assets of any company are insufficient to justify its continuance of business, or unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the Treasurer.

Report of Treasurer

(5.) After full consideration of the report and a reasonable time being given to the Company to be heard, and if after such further inquiry and investigation (if any) as he may see proper to make, the Treasurer reports to the Lieutenant-Governor in Council that he agrees with the said Inspector in the opinion expressed in his report, then if the Lieutenant-Governor in Council also concurs in such opinion, an order in Council may issue suspending or cancelling the license of such company; or in the case of a Mutual Insurance Company, the Attorney-General may apply to one of the Superior Courts of Law or Equity for a decree directing that the business of the said Mutual Insurance Company be discontinued under the authority of section seventy-eight of the Act respecting Mutual Fire Insurance Companies.

Suspension of License and notice thereof.

(6.) Notice of the suspension or cancelling of any license or notice of the decree for discontinuance of business shall be published in the Ontario Gazette; and thereafter any person delivering any policy of insurance, or collecting any premiums, or transacting any business of insurance on behalf of such Company, shall be liable to a fine of one thousand dollars, which penalty may be sued for and recovered on information filed in the name of the Attorney-General of Ontario; and one-half of said penalty when recovered shall be paid to the Crown for the benefit of the Province, and the other half of the said penalty to the informer; and in case of non-payment of such penalty and costs within one month after said judgment, the person so offending shall be liable to imprisonment in any gaol or prison for a period not exceeding six months in the discretion of the Court wherein he is convicted.

Inspector and Officers not to be incompany.

- Contribution from companies to expenses.
- 4. The Inspector of Insurance, or any officers under him, shall not be interested as shareholders, directly or indirectly, with terested in any any insurance company doing business in Ontario.
 - 5. Towards defraying the expense of the office of the Inspector, a sum not exceeding three thousand dollars shall be annually contributed by the insurance companies hereinbefore referred to, and consisting of all companies required to be licensed under this Act, or under the Ontario Insurance Act, and also of all Mutual Insurance Companies required to make returns under the Act respecting Mutual Fire Insurance Companies, and this sum shall be assessed pro rata upon the gross premiums or premium notes received by each during the pre-

ceding year, such sum to be paid upon the issue of the annual license, or at such other time as the Treasurer may direct, and the Treasurer's certificate shall be conclusive as to the amount each or any Company is to pay.

Fourth Session, Third Parliament, 42 Vie., 1879

BILL.

An Act to provide for the Inspection of Insurance Companies.

MR. WOOD.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 140.]

BILL

[1879.

An Act to amend the Municipal Act.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Section three hundred and nineteen of the Municipal Act R.S.O. c. 174, 5 is hereby repealed, and the following substituted therefor, viz: s. 319, repealed Every promulgation of a by-law shall consist in the publication substitute. cation through the public press, of a true copy of the by-law, ed. and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to 10 the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper as the Council may by resolution designate, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks.

2. Section five hundred and thirty-one of said Act is hereby R.S.O. c. 174, s. 531 repealed repealed, and the following substituted therefor, viz.:— Before the final passing of the by-law it shall be published tion substitutonce, or oftener, in every week for four weeks in such news-ed.

and new sec-

paper as the Council may by resolution designate, together 20 with a notice that any one intending to apply to have such bylaw or any part thereof quashed, must, within ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention to make application for that purpose 25 to one of Her Majesty's Superior Courts of Law, at Toronto, during the term next ensuing the final passing of the by-law.

Fourth Session, Third Parliament, 42 Vic., 1879.

BILL.

An Act to amend the Municipal Act.

First Reading, 27th February, 1879.

MR. McCraney.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to amend "The Ontario Medical Act."

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. Section twenty-three of chapter one hundred and forty-R.S.O. c. 142, two of the Revised Statutes of Ontario, is hereby amended by striking out the following words in the sixth line of the section, "upon such terms as the Council may deem expedient," and substituting the following: "Upon payment by each of 10 such persons applying for such registration of a fee of four hundred dollars, and upon such person producing a certificate from the registrar of the Medical Council of Great Britain, that such person is duly registered, and upon proving his identity to the satisfaction of the registrar of the Medical Council of 15 Ontario."
 - 2. Provided that the Council or the Executive Committee Reduction of thereof, may by by-law or resolution, reduce or remit such fee fees. as to them may seem advisable.

Fourth Session, Third Parliament, 42 Vic. 1879.

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An Act to amend "The Ontario Medical Act."

First Reading, 27th February, 1879.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the law for the protection of Game and Fur-bearing animals.

THEREAS it is expedient to amend the law respecting the preservation of Game and Fur-bearing animals in Ontario:

Therefore Her Majesty, by and with the advice and consent 5 of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections one and two of chapter two hundred of the Re- R.S., 0. c. 200, vised Statutes of Ontario are hereby repealed, and the following $^{88}_{\text{repealed}}$. substituted therefor:

2. None of the animals or birds hereinafter mentioned shall be hunted, taken or killed within the periods hereinafter limited:

(1) Deer, Elk, Moose, Reindeer, or Cariboo, between the Close period.

fifteenth day of December and the first day of October in the fol-15 lowing year; (2) Prairie Fowl or Chicken, Ruffed Grouse, Pheasant, or Partridge, between the first day of January and the first day of September; (3) Wild Turkey and Quail, between the first day of January and the first day of October; (4) Woodcock, between the first day of January and the first day of

20 August; (5) Snipe, between the first day of May and the first day of September; (6) Waterfowl, which are known as Mallard, Gray Duck, Black Duck, Wood or Summer Duck and all kinds of Duck, known as Teal, between the first day of January and the first day of September; (7) Other Ducks, Wild

- 25 Swans, or Geese, between the first day of May and the first day of September; (8) Hares or Rabbits, between the first day of March and the first day of September; (9) Black, Grey, or Red Squirrels, between the first day of January and the first day of August.
- 2. No person shall at any time hunt, take or kill any Deer, Animals not Elk, Moose, Reindeer, or Cariboo; Prairie Fowl, or Chicken, to be killed for Ruffed Grouse, Pheasant or Partridge; Wild Turkey, Quail; without Woodcock; Snipe; Mallard, Gray Duck, Black Duck, Wood or special permit. Summer Duck, Teal, other kinds of Ducks known as River

35 Ducks; Swans or Geese; Hares or Rabbits; Black, Gray or Red Squirrels, for the purpose of exporting the same out of Ontario, except by special permit of the Customs Department. Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars for each 40 animal or bird.

3. No Railway, Express Company, or other common car-Transportariers, or any of their agents or servants, shall have any of the tion by Carriers unlawful,

above named animals or birds in their possession for transportation or other purpose during the periods above limited and prohibited. Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars for each animal or bird.

Exportation by Carriers unlawful.

4. No Railway, Express Company or other common carriers, or any of their agents or servants, shall have any of the above named animals or birds in their possession for exportation out of Ontario. Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less 10 than five dollars for each animal or bird.

First Reading, 28th February, 1879.

An Act to amend the law for the protection of Game and Fur-bearing animals.

MR. WIGLE.

TORONTO:

142

Fourth Session, Third Parliament, 42 Vic. 1879

PRINTED BY C. BLACKETT ROBINSON

No. 142.]

[1879]

An Act to amend the law for the protection of Game and Fur-bearing animals.

WHEREAS it is expedient to amend the law respecting the preservation of Game and Fur-bearing animals in Ontario:

Therefore Her Majesty, by and with the advice and consent 5 of the Legislative Assembly of the Province of Ontario,

enacts as follows:

1. Section thirteen of the Act intituled "An Act to amend the law for the Protection of Game and fur-bearing animals," passed in the forty-first year of Her Majesty's reign, and chaptotered eighteen, is hereby repealed, and instead thereof the following is substituted as section thirteen of the said Act:

Deer, Elk, Moose, Reindeer, Cariboo, Grouse, Pheasant, Prairie Fowl, Partridge, Quail, Woodcock, or Snipe, for the 15 purpose of exporting the same out of Ontario; and in all cases the onus of proving that any such Deer, Elk, Moose, Reindeer, Cariboo, Grouse, Pheasant, Prairie Fowl, Partridge, Quail, Woodcock, or Snipe, so hunted, taken, or killed, is not intended to be exported as aforesaid, shall be upon the person hunting, 20 killing, or taking the same.

An Act to amend the law for the protection of Game and Fur-bearing animals.

First Reading, 28th February, 1879. Second Reading, 10th March, 1879.

MR. WIGLE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 143.]

BILL.

[1879.

An Act to amend the Ditches and Water Courses Act.

ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sub-section one of section four of chapter one hundred R.S.O. c. 199
5 and ninety-nine of the Revised Statutes of Ontario is hereby s. 4, sub-s. 1
repealed and new sub-sec.

1. Either owner may notify (Form 1) the other owner or substituted owners, or the occupant or occupants of the lands of the owner or owners so to be notified that he will not less than one week 10 from the service of such notice, cause three fence viewers of the locality to arbitrate in the premises.

Section eleven of the said Act is hereby repealed and S. 11 repealed the following substituted therefor:

2. The fence viewers shall be entitled to receive two ed. 15 dollars for every day's work, under this Act. Provincial Land Surveyors and witnesses shall be entitled to the same compensation as if they were subpænaed in any Division Court, and such compensation shall be included in the award and become a lien upon the lands respecting which it is made.

An Act to amend the Ditches and Water Courses Act.

First Reading, 3rd March, 1879.

MR. BRODER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the application of the Religious Institutions Act to the Church of England.

TER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :-

1. The Act passed in the forty-first year of Her Majesty's 41 V. c. 25 5 reign, intituled "An Act to extend the Religious Institutions amended. Act to the Church of England," is hereby amended by adding as sub-sections two and three to section one of the said Act the

following:

Sub-sec. 2. The parson or other incumbent of the church for Parson, in-10 the time being and the churchwardens thereof, shall, for the cumbent and churchwarpurpose of this Act and of the said Revised Statute, be deemed dens to be and taken to be trustees within the meaning of the said Re-trustees within the meaning vised Statute, by whom the like rights and powers as trustees of Act. under the said Statute may be exercised, subject however to 15 the provisions contained in the second section of the said Act

hereby amended.

3. In cases within the sixteenth section of the Act passed Bishop, etc., in the third year of Her Majesty's reign, chapter seventy-four under 3 V. c. and intituled "An Act to make provisions for the management 74 s. 16. 20 of the Temporalities of the United Church of England and Ireland in this Province, &c," the bishop, or parson, rector or incumbent, by, from or under any of them, or any successor or other person in whom the legal title or estate is invested, shall also be deemed and taken to be a trustee, by whom the like 25 rights and powers of trustees, under the said Revised Statute respecting Religious Institutions, may be exercised equally, as in the case of such trustees, subject, however, to the provisions contained in the second section of the said Act hereby amended.

Fourth Session, Third Parliament, 42 Vic. 1879.

BILL

An Act respecting the application of the Religious Institutions Act to the Church of England.

First Reading, 4th March, 1879.

How. Mr. Crooks.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 145.]

BILL

[1879.

An Act respecting the Office of Sheriff. .

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

- 5 1. Every Sheriff shall keep a separate book, in which he Sheriff to keep shall enter from day to day all fees and emoluments received by an account of him by virtue of his office, and also the several amounts paid out by him from day to day in connection with his office; and shall make up to, and including, the thirty-first day of Decemter, of the previous year, a return, under oath, of such fees, emoluments and disbursements to the Lieutenant-Governor annually, on or before the fifteenth day of January in each year
- 2. It shall be the duty of every Sheriff to supply himself Account book, with the book, in the next preceding Section mentioned, and how provided.

 15 the cost thereof shall be paid by the County of which he is Sheriff.
 - 3. \ y Sheriff wilfully neglecting to observe the provisions Penalty. of this Act shall forfeit his office.

An Act respecting the Office of Sheriff.

First Reading, 4th March, 1879.

MR. CURRIE.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Law of Dower.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. No bar of dower contained in any mortgage, or other in- Effect of bar strument intended to have the effect of a mortgage or other of dower in security, upon real estate, shall operate to bar such dower to any greater extent than shall be necessary to give full effect to the rights of the mortgagee or grantee under such instrument.

2. In the event of a sale of the land comprised in any such Wife entitled 10 mortgage or other instrument, under any power of sale contained to dower in surplus of therein or under any legal process, the wife of the mortgagor or purchase grantor who shall have so barred her dower in such lands, shall inoney arising be entitled to dower in any surplus of the purchase money under mortarising from such sale, which may remain after satisfaction of the gage. 15 claim of the mortgagee or grantee, to the same extent as she would have been entitled to dower in the land from which such surplus purchase money shall be derived had the same not been sold.

3. A mortgagee or other person holding any money out of Payment of 20 which a married woman shall be dowable under the preceding money into sections of this Act may pay the same into the Court of Chancery to the credit of such married woman and the other persons interested therein.

2. The Court of Chancery, or any Judge thereof, may on a Order for se-25 summary application by petition on notice, make such order of dower. for securing the right of dower of any married woman, in any money out of which she shall be dowable, as may be just.

4. In case a widow elects to take her interest in any money Widow's under this Act, she shall not be entitled to claim in addition election. 30 thereto a share of the money as personal estate.

5. In case of a suit for Partition or Administration or any Partition or suit in which a partition or sale of land is ordered, and in Administra which the estate of any tenant in dower or tenant by the courtesy or for life is established, if the person entitled to 35 such estate has been made a party to the proceedings, the Court or Judge shall determine whether such estate ought to be exempted from the sale or whether the same should be sold; and in making such determination regard shall be had to the interests of all the parties.

(2.) If a sale is ordered including such estate, all the estate and interest of every such tenant shall pass thereby; and no

conveyance or release to the purchaser shall be required from such tenant; and the said purchaser, his heirs and assigns, shall hold the premises freed and discharged from all claims by virtue of the estate or interest of any such tenant, whether the same be to any undivided share, or to the whole or any part of the

premises sold.

(3.) In such case the Court or Judge may direct the payment of such sum in gross out of the purchase money to the person entitled to dower or estate by the courtesy or for life, as may be deemed, upon the principles applicable to life annuities, a 10 reasonable satisfaction for such estate; or may direct the payment, to the person entitled to dower or estate by the courtesy or for life, of an annual sum, or of the income or interest to be derived from the purchase money or any part thereof, as may seem just, and for that purpose to make such order for the in-15 vestment or other disposition of the purchase money or any part thereof as may be necessary.

Determining rights of widow where inchoate right of dower exists. 6. Where any married woman is a party to such proceedings as Petitioner, if her claim is an inchoate right of dower, then, in case of sale, the Court shall determine the value of such 20 right according to the principles applicable to deferred annuities and survivorships, and shall order the amount of such value to be paid; or shall order the payment to such married woman, of an annual sum, or of such income or interest as is provided in sec. five of this Act, and such payment shall be a bar to 25 any right or claim of dower.

THE ATTORNEY-GENERAL.

PRINTED BY C. BLACKETT KOBINSON

TORONTO:

First
Reading,
4th
March,
1879.

An Act to amend the Law of Dower

Fourth Session, Third Parliament, 42 Vic., 1879.

No. 147.]

BILL.

[1879.

An Act to extend the Act respecting the Heir, Devisee and Assignee Commission.

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. The Heir, Devisee and Assignee Commission, and the Jurisdiction 5 Commissioners referred to in chapter twenty-five of the as to claims to Revised Statutes of Ontario, shall, with respect to claims to certain lands in Ontario for lands within Ontario vested in the Crown, for which no patent which patents has issued, and for which the patents are to be issued by the Government of Canada, have the same jurisdiction and powers, Government of Canada, have the same jurisdiction and commissioners shall be the same as such invisibilities.

missioners shall be the same as such jurisdiction, powers and proceedings were prior to the coming into force of the said Revised Statutes.

2. Where the said Commissioners adjudicate in respect of Report to be 15 lands vested in the Crown, for which patents are to be issued made to the Governorby the Government of Canada, they shall report their decision General in as to such lands to His Excellency the Governor-General in Council. Council.

An Act to extend the Act respecting the Heir, Devisee and Assignee Commission.

First Reading, 4th March, 1879.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 148.]

BILL.

[1879.

An Act respecting Grand Juries.

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The precepts to the Sheriff for the return of Grand Jurors, Number of the sittings of the Court of Over and Terminar and General Grand Jurors. for the sittings of the Court of Oyer and Terminer and General Gaol Delivery, shall command the return of fifteen of such Grand Jurors and no more, and the panel of Grand Jurors for any of the aforesaid courts shall consist of fifteen Grand Jurors instead of twenty-four as heretofore.

- 2. The assent of at least eight of such panel of Grand Jurors Assent of eight shall be required to find a Bill or information.
- 3. The word "fifteen" shall be substituted for the words Schedule B of "twenty-four" wherever the latter words occur in Schedule B $_{\rm amended,}^{\rm Jurors'}$ Act to the Jurors' Act.
- 4. This Act shall not come into force until a day to be Time Act to named by the Lieutenant-Governor by his proclamation.

An Act respecting Grand Juries.

First Reading, 6th March, 1879.

HON. Mr. HARDY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-nine, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by Messages from His Honour the Preamble. Honourable Donald Alexander Macdonald, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-nine; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this \$2,316,625.22 Province, there shall and may be paid and applied a sum (not granted out of exceeding in the whole) of Two million three hundred and six-dated Revenue teen thousand six hundred and twenty-five dollars and twenty-find for certwo cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and seventy-nine, as set forth in Schedule "A" to this Act.

- 2. Out of the estate of the late Andrew Mercer, deceased, the sum of one thousand dollars shall and may be applied towards the erection of a Provincial Eye and Ear Infirmary in connection with the Toronto General Hospital, to be called "The Andrew Mercer Eye and Ear Infirmary."
- 3. Accounts in detail of all moneys received on account of Accounts to be this Province, and of all expenditures under this Act, shall be laid before the Legislature. laid before the Legislative Assembly at its next sitting.
- 4. Any part of the money appropriated by this Act out of Unextended the Consolidated Revenue which may be unexpended on the moneys. thirty-first day of December, one thousand eight hundred and seventy-nine, shall not be expended thereafter.
- 5. The due application of all moneys expended under this Expenditure Act out of the Consolidated Revenue shall be accounted for to be accounted to Her Her Majesty.

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SCHEDULE "A."

Sums granted to Her Majesty by this Act for the year one thousand eight hundred and seventy-nine, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray expenses of the several Departments at Toronto	To	defray	expenses	of the	several	Departments	at	Toronto	
--	----	--------	----------	--------	---------	-------------	----	---------	--

Government House	\$5,580	00
Lieutenant-Governor's Office	3,350	00
Executive Council and Attorney-General's Office	14,480	
Treasury Department	16,100	
Secretary and Registrar's Office	25,975	
Department of Public Works	19,672	
" " Agriculture	1,200	
" "Immigration	1,400	
Inspection of Public Institutions	7,350	
Crown Lands Department	50,780	
Miscellaneous	9,460	
		 \$155,347 <u>[</u> 0
		_
LEGISLATION.		
To defray expenses for Legislation		111,000 0
ADMINISTRATION OF JUSTICE		

To defray expenses of

Court of Chancery	\$20,545	00
Court of Queen's Bench		
Court of Common Pleas		
Superior Judges and Court of Appeal		
Practice and other Courts	,	
Criminal Justice		
Miscellaneous Justice	65,292	00
		9

\$285,467 00

EDUCATION.

To defray expenses of :---

Public and Separate Schools	\$240,000	00
Inspection of Public and Separate Schools	29,250	
Schools in New and Poor Townships	12,000	
Collegiate Institutes and High Schools	75,500	00
Inspection of Collegiate and High Schools	7,500	00
Departmental Examinations	7,500	00
Training of Public School Teachers	14,550	00
Superannuated High and Public School Teachers	39,900	00
Normal and Model Schools, Toronto	22,600	00
Normal School, Ottawa	11,500	00
Educational Museum and Library	1,925	00
Maps, Apparatus, etc.	22,000	00
Educational Depository	9,035	00
Education Office	21,175	00
Miscellaneous Expenses of Education	6,1593	

\$520,594 00

PUBLIC INSTITUTIONS - MAINTENANCE.

To defray expenses of :				
Asylum for the Insane, Toronto	\$85,282	00		
Asylum for the Insane, London	104,116			
Asylum for the Insone, Kingston	56,652			
Asylum for the Insane, Hamilton	34,619			
Asylum for the Insane, Orillia	22,516			
Provincial Reformatory, Penetanguishene	26,720			
('entral Prison, Toronto	86,115	00		
Institution for the Deaf and Dumb, Belleville	37,859			
Institution for the Blind, Brantford	28,015			
School of Agriculture, Guelph	21,970			
School of Practical Science, Toronto	2,680	00	Ø407 091	07
			\$497,831	07
Immigration.				
To defray expenses of:				
Agencies in Europe	\$7,800	00		
Agencies in Canada	2,400			
Dominion Government for services by its Agents	9,500	00		
Carriage of Immigrants in Ontario, including Main-				
tenance	5,000			
Provisions for same, including Medical attendance	5,500	00		
Assistance money, by way of payment, in reduction of				
passage money to selected Immigrants, specially	0.000	~~		
consigned to Ontario	6,000			
Inspection	500			
Contingencies	800	00	99= 000	00
			\$27,000	00
To defray expenses of a grant in aid of:— Electoral Division Societies, 81 at \$700 Electoral Division Society, 1 at 550 Electoral Division Societies, 6 at 350 " " outlying Districts Fruit Growers' Association	\$56,700 550 2,100 300 1,300 750 3,000 10,000 1,000 700	00 00 00 00 00 00 00		
charges not otherwise provided for	2,000	00		
ARTS:	27,000	00		
Mechanics' Institutes	500			
Art Union, Toronto	2,100			
School of Art and Design, London	500			
Literary:				
Canadian Institute, Toronto	750	00		
Institut Canadien, Ottawa	300			
Athenæum, Ottawa	300	00		
			\$109,850 149	00

HOSPITALS AND CHARITIES.

· · · · · · · · · · · · · · · · · · ·		
To defray expenses of a grant in aid of:—		
Hospitals and Institutions mentioned in Schedule A of Statute, 37 Vic. chap. 33	\$43.700 99	
	\$43,700 83	
Institutions in Schedule B Institutions in Schedule C	13,560 42	
Austravious in beheaute C	10,000 42	\$73,870 44
		\$10,010 44
Miscellaneous Expenditure.		
To defray Miscellaneous Expenditure as follows:—		
License Law	\$4,000 00	
Collection of revenue for law stamps and licenses	1,500 00	
Municipalities and other funds	500 00	
Settlement of Municipal Loan Fund	150 00	
Marriage Licenses	200 00	
Ontario Rifle Association	600 00	
Insurance of Public Buildings and Furniture	11,315 00	
Consolidation of Statute Law	600 00	
Expenses of Elections	35,000 00	
Expenses of Contested Elections	4,000 00	
Revision Voters' Lists	1,000 00	
Gratuities	5,000 00	
Allowance to late Superintendent of Education	4,000 00	
Brock's Monument	500 00	
Allowance to Counties under provisions of 30 Vic. c. 31.	4,948 89	
Expenses in suit Hiscox vs. Attorney-General	1,000 00	
Stereotyping Revised Statutes	1,500 00	
Expenses in suit Queen vs. Curl	240 00	
Balance due Canada Car Company	5,354 00	
Osgoode Hall—for water supply	250 00	
Northwest Boundary	1,000_00	
Widow of the late Judge VanNorman	600 00	
Grant to aid in establishing a market for Ontario manufactures, and agricultural products, in European		
factures and agricultural products in European and Foreign Countries	4,500 00	
and Poreign Countries	4,500 00	\$87,757 89
Public Buildings,		\$ 01,101 00
1 CBLIC DUILDINGS,		
To defray expenses at the works at the Asylum for the		
Insane, Toronto	\$7,450 00	
Asylum for the Insane, London	9,610 00	
" " Hamilton	30,121 64	
" " Kingston	17,475 00	
" " Idiots Orillia	1,200 00	
Reformatory, Penetanguishene	7,632 13	
Central Prison, Toronto	15,965 73	
Deaf and Dumb Institute, Belleville	4,891 00	
Blind Institute, Brantford	6,651 50	
School of Agriculture, Guelph	4,500 00	
Normal School and Education Office, Toronto	2,000 00	
Normal School, Ottawa	16,000 00	
Osgoode Hall, Toronto	1,500 00	
Government House, Toronto	3,000 00 1,500 00	
Parliament Buildings	900 00	
Thunder Bay District	1,000 00	
Nipissing District	200 00	
Muskoka District	550 00	
Parry Sound District	550 00	
Lock-up at Gore Bay	2,000 00	
•		\$134,697 00
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PUBLIC WORKS.

To defray expenses at Muskoka River. Mary's and Fairies Lake. Gull and Burnt Rivers. Surveys, Inspections and Arbitrations Locks, Dams and Swing Bridges. Lock-masters' and Bridgetenders' Salaries. Trout River Works.	\$8,000 1,500 8,780 5,000 6,000 2,000 3,000	00 00 00 00 00	\$3 4,280	00
- Colonization Roads.				
To defray expenses of Construction and Repairs			\$96,300	00
Crown Lands Expenditure.				
To defray expenses on account of Crown Lands			\$73,000	00
Refunds.				
To defray the expenses of :— Education	\$1,000 21,000 23,190 14,439	00 99	\$59,630	22
Unforeseen and Unprovided.				
To meet unforeseen and unprovided			\$50,000	00
Total Estimate for 1879		\$	2,316,625	22
			149	

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-nine, and for other purposes therein mentioned

Third "	Second "	First Reading, 10th
10th	10th	10th
60	March,	March,
1879.	1879.	1870.

Mr. Wood.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

